

Winfield Scott

THE  
L I F E  
OF  
GENERAL WINFIELD SCOTT.

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BY EDWARD D. MANSFIELD, ESQ.

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## PREFACE.

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THE life of a public man is a Leaf of History. It is a leaf, also, in which minute facts and particular causes and personal transactions are brought out in such strong relief, as to have the effect of a picture, taken from the Great World, but viewed, as we view small portions of the firmament, through telescopic glasses. This effect is not really to exaggerate, but to give such distinctness to each object, that every line and hue shall be visible to the eye, in its exact proportions. If we see less in extent, we see more in detail. If we see not the whole, we shall be better pleased with what we do see. If we walk with less dignity, we walk in more familiar paths. In fine, we are content to lose something of the grandeur of history, if we can gain a more minute knowledge of that real life, in which we have a personal interest, in which we have long dwelt, and in which our nature finds kindred sympathies.

Such lives are essential elements in the great picture of Humanity in action, of which the historian is the painter, and whose canvass must contain the portraits of men, as well as the pictured story of events, the memorials and the movement of nations. We must see the heads of the actors, as well as the great moral of the actions, which together compose the drama of human society.

The Life of General Winfield Scott is such an element in the recent History of the American people. It cannot be separated from the great American action. Men may take what view of him, or the acts in which he was engaged, they please; but some view they must take. Those acts were no trifling parts, nor performed in an unimportant period of American progress. They commenced in the agitations which (excited by European aggressions) preceded the war of 1812. They were brilliant points on the battle-fields of Niagara, the most glowing and exciting scenes of that war. They moved on from the Peace of 1815 to the Indian War of 1832, on our Western frontier. They made part in the dramatic and deeply-interesting scenes at Charleston, in the year of Nullification; in the removal of the Cherokees beyond the Mississippi; and in the pacification of the Maine

boundary. In all these scenes, whether of war or peace, the acts of Winfield Scott cannot be separated from history; and he, like Æneas, (though with better fortune,) was an observed and important actor in the drama of his country.

What opinions of these historical acts an individual, party, or sect may have formed, is not the business of the historian to inquire. His duty, like that of the true painter, is to place the lineaments of a public character on record, where they may be seen by all observers, and left undisfigured to the final judgment of posterity. This duty, the writer has undertaken to perform with strict fidelity. The records of the country happily furnish the foundation for most of his statements; the testimony of eminent and honorable gentlemen, themselves actors in some of the scenes described, furnishes other materials; and, finally, the papers and narratives of private persons, make up an aggregate of fact and evidence, amply sufficient to satisfy the demands of Truth, Justice, and History.

These facts the writer has undertaken to compose in a clear method, an easy narrative, and, as far as he has the ability, an agreeable style. Beyond this he does not seek to go. He would neither exaggerate the objects in his picture, nor add a coloring beyond the hues of Nature. Nor

has he need; for the battle-fields of Niagara, and the exciting crisis in which civil war threatened to burst out in the streets of Charleston, have interest enough, without any distorted figures drawn by the pen of Fancy.

In fine, the author desires to make a volume, however humble, of authentic and unimpeachable history. As such, it will be, at least, a small contribution to public instruction: it may be some testimony to the glory of that country, from whose records it has been chiefly taken. It will aid the historian, who in future time shall wish to fill up his shining page with the actors and action of our days.

As such a volume, this work has been written; as such, it is published; and to the American people, in whose service the chief subject of it has long been honorably engaged, is committed this Leaf from his Life and their History.

EDWARD D. MANSFIELD.

CINCINNATI, OHIO,

Nov. 1845.

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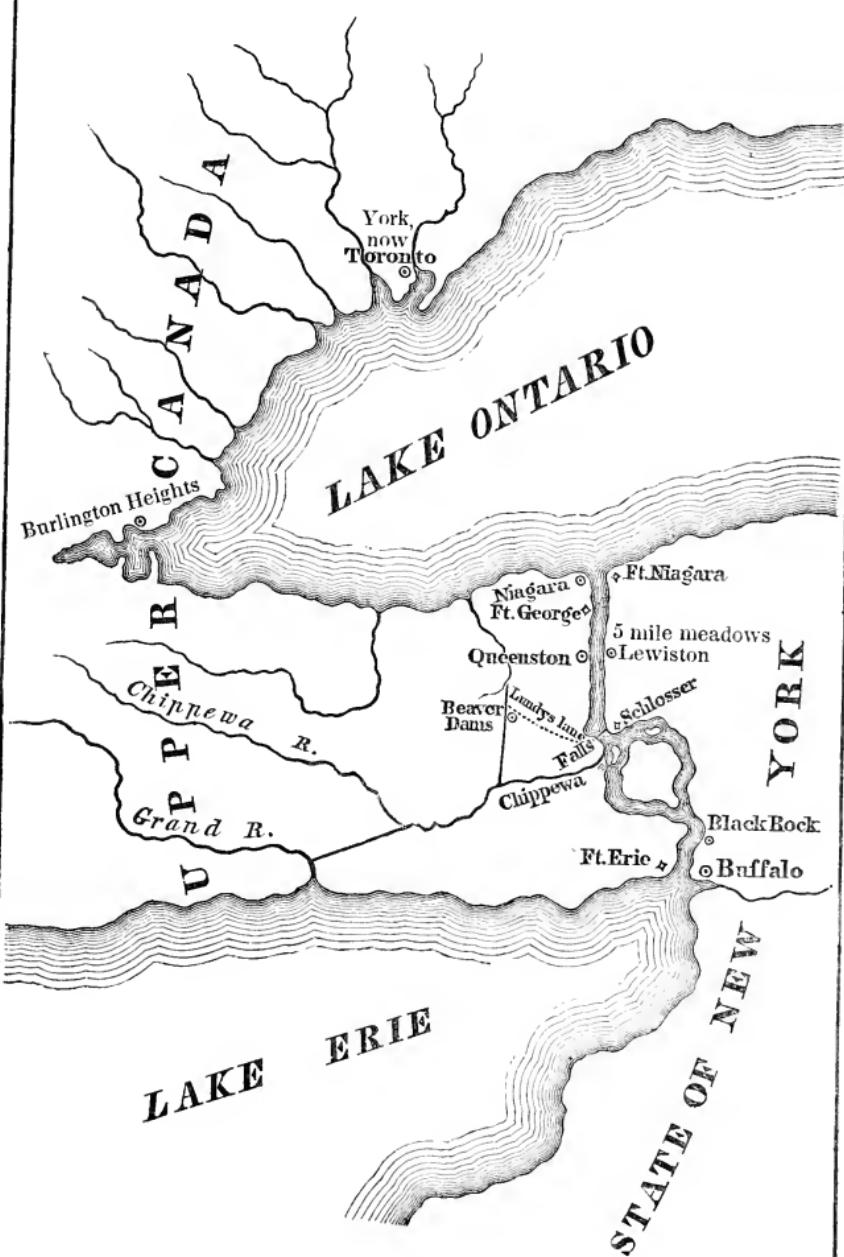
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MAP OF THE NIAGARA FRONTIER.

L I F E  
OF  
GENERAL WINFIELD SCOTT.

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CHAPTER I.

Period succeeding the American Revolution.—Causes of the War of 1812.  
—Its effects on American Independence.—Fruits of Peace.

THE Life of General Winfield Scott extends over the period from the adoption of the American Constitution to the present time. It is a period memorable in events—remarkable for its social changes—splendid in the dramatic exhibition of great historical actions, and curious to the student of human nature, as a continual development of new and various forms of intellectual growth and political arrangements. It can scarcely be touched upon, even in the life of an individual, without calling up some of those strange scenes which, in the half century succeeding the American Revolution, surprised both the actor and the beholder. Whether we dwell upon the rough incidents of war, or the gentle arts of peace, the mind will—in however small a degree—recall something of the fearful shock

which once attended the controversy of nations ; something of the glory which once, wrapt in garments of blood, rolled over the battle-fields ; something of those benign inventions, which accompanied the returning chariot of commerce ; and something of the pleasant and the beautiful in the progress of human reformations.

The war of the American Revolution did not end with the treaty of peace. The conflict of arms continued in Europe, and the clangor of battle was heard across the Atlantic, like the thunders of a retreating storm. The French Revolution succeeded the American, and carried the overthrow of government and the destruction of established institutions to such an extreme issue, that the idea of political reformation on one hand, and the dread of a fearful change on the other, agitated and convulsed the populations of the civilized world.

In America, the Revolution had established a just and noble independence for the once colonized subjects of England ; but it had also left them with the debt of a long war to provide for,<sup>1</sup> with much of the spirit of insubordination,<sup>2</sup> with commerce in a great measure destroyed, and with separate states unconsolidated by national institutions.<sup>3</sup> Several years elapsed before the Constitution was formed,<sup>4</sup> and law firmly established under the happy administration of Washington. Even then the fires of war were not wholly extinguished. They broke out anew on the northwestern frontier, in fresh conflicts with the tribes

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<sup>1</sup> The public debt of the United States was, in 1791, \$75,463,467.

<sup>2</sup> See Shay's Insurrection in Massachusetts.

<sup>3</sup> General Washington's Letter to the Governors of States, June, 1783.

<sup>4</sup> The Constitution was formed in 1787, and went into operation on the 4th of March, 1789, six years after the peace.

of the Ohio and the Wabash. The spirit of civilization was again encountered by the retreating warriors of barbarism. The red chiefs of the forest parted with bitter strife from that solemn wilderness in which they so long had wandered, whose wild liberty they so long had cherished, whose homes and graves they so long had loved. They were impelled, if not instigated, by hopes or promises of European assistance.<sup>1</sup> The region of the Miamis was the scene of a fierce war. Battles were fought and lost by the new republic ; and it was not till the victory of Wayne, that the supremacy of the whites was established in the valley of the Ohio—its rich lands and delightful climate opened to the possession of emigrants—and Christian civilization left free to fill with cities, with cultivated fields, and humanizing arts, the broad plains and verdant vales, extending from the ridge of the Alleghanies to the Andes of the North.

The Constitution of the United States of North America is at once the true basis of the American nation, and the most splendid monument to its political genius. Unlike the constitutions which were subsequently formed in Europe and in some parts of America, it remains permanent. Unlike other governments also of either ancient or modern times, its principle is, the consent of the governed, and not the power of the governor. It places no restraint upon either the political action or utterance of the people. Hence their minds are free to follow, in regard to either foreign or domestic policy, the dictates of reason, or interest, or passion, or prejudice ; and to pursue, wherever it may lead, that wild and fierce spirit of liberty, (as some conservative

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<sup>1</sup> See Washington's Letter to Mr. Jay, dated 30th August, 1794.

minds have thought it,) which has agitated but never dis-united the American nation.

Succeeding the formation of the American Constitution, was a rapid succession of dramatic historical acts, from whose vivid and often terrible scenes the excited imaginations of men can scarcely yet be withdrawn. The spirits of revolution and anti-revolution, represented in the French and English nations, struggled for mastery on the continent of Europe, and moved the social waters of the Christian world. They sought for allies in the bosom of every other nation. They flattered or threatened, bribed or destroyed, whatever other governments or nations stood in the way of their dominion. One wielded the empire of the ocean, the other that of the land.

Far over the western seas, as were the United States, yet they could not wholly escape the consequences of such a collision between such mighty forces. Efforts were made to draw them into alliances on the one hand and on the other. England appealed to America by the strong argument of consanguineous kindred, and France, by services rendered in the hour of adversity, and friendships kindled in the season of youth. Both were arguments acknowledged and appeals felt, by large portions of the people of the United States. The neutral policy was, however, preferred, lest we should be involved in controversies alien to the republican principles of the government; and it was further commended by the potential voice of the Father of his Country.<sup>1</sup>

The European nations had, since the Christian era, been without any example of the permanent stability and

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<sup>1</sup> See Washington's Farewell Address, and other public documents.

widely developed energies of a republic. They therefore believed the American government only the creature of temporary excitement, and its resistance to their solicitations merely the efforts of infantile weakness.

This belief they carried into practice. The institutions of the United States were contemned. Their neutral rights were violated, and their national sovereignty, dear to every people, was attacked, insulted, and despised. In less than twenty years, occurred the insults of the French ambassador to President Washington,<sup>1</sup> the impressment of American seamen,<sup>2</sup> the attack on the Chesapeake,<sup>3</sup> the British Orders in Council, and the French Berlin and Milan decrees,<sup>4</sup> a series of wrongs and contempts, at this time almost incredible. The historian of European opinions has not ventured to defend them,<sup>5</sup> but, in admitting the hard conduct of England and France to neutral nations,<sup>6</sup> only contends that the United States had not equitably assessed the proportions of damage and outrage inflicted on them by the great aggressors in Europe!<sup>7</sup>

<sup>1</sup> The appeal of Genet (the French ambassador) from the president to the people, occurred.

<sup>2</sup> The British claimed the right of impressment (as a maritime right) during the whole war with France. See Alison's History of Europe, second Edinburgh edition, vol. x. page 600.

<sup>3</sup> June 23d, 1807.

<sup>4</sup> Mr. Fox declared the coasts of France and Holland, from Brest to the Elbe, blockaded, May 16th, 1806. The Berlin decree was issued by Napoleon, Nov. 21st, 1806. The British Orders in Council were issued Nov. 11th, 1807; their object was to establish a paper blockade, and, under it, to confiscate neutral property.

<sup>5</sup> See Alison's History, 82d chapter.

<sup>6</sup> See Alison.

<sup>7</sup> This is the precise argument of Alison's History of Europe.

The people of America thought differently. They closed these scenes of contempt forever, by the war of 1812—a war made necessary to sustain the national honor, interests, and independence, against continued aggressions and undeserved contumely.

It was thus the war of the American Revolution agitated the nations of Europe ; thus it raised up contending spirits on other continents ; and thus it revisited the shores of America long after the independence of its republican states was firmly established. Its return was like the wave cast upon the beach by the agitations of a storm long passed away. These agitations did not cease till Napoleon, the lion of his age, was exiled to the rock of St. Helena ; till England had been taught to respect America ; till America herself had achieved more than one glorious victory, both by land and sea ; and, in fine, till our republic had a second time vindicated its right to the dignity of a nation, and the sovereignty of a separate government.

The drama thus closed was as beneficent in its effects, as it was grand in action, and momentous in events. All the national relations of the world were changed. Governments of whatever form henceforth professed to live for the people.

The change in the arts of life was no less remarkable. Where the storm of war had passed with its darkness and desolations, the peace of 1815 left its broad sunlight, and diffused its genial warmth. The refreshing verdure of spring upon hills and vales, or the ripening fruits of glorious summer, are not more visible to the eye of the husbandmen, than are the fruits of the national convulsions and controversies, which intervened between the first and

second American wars, to the intelligent and well-instructed mind. They are visible in all the actions of civil and social life. They spring up in the new and wonderful arts of invention ; in the increased growth of population ; in the multiplied comforts of families ; in the diffused benefits of science and literature ; and in the wide-spread power of commerce, sweeping round the earth, gathering its continual harvest, and sending forth to once unvisited regions, the bearers of love and mercy. National courtesies are renewed, Christian principles adopted ; and mankind seem, at last, engaged in the happy work of bringing from the earth its richest products, and from immortal mind its noblest powers !

## CHAPTER II.

1786 TO 1808.

**Scott's Parentage.—Education —Early Character.—Choice of a Profession.—Entrance into the Army.—Political Opinions.**

**WINFIELD SCOTT** was born the 13th of June, 1786, near Petersburg, in Virginia. His descent may be traced from a Scottish gentleman of the Lowlands, who, with his elder brother, was engaged in the Rebellion of 1745. The elder was slain on the field of Culloden. The younger, involved in the consequences of that severe disaster, emigrated to America, and, bringing with him little except a liberal education, commenced the practice of the law in Virginia. He married there, and was successful in his profession, but died young.

His son William married Ann Mason, a lady of one of the most respectable families of Virginia. He lived a farmer by occupation, and died in 1791, leaving two sons and several daughters. The eldest of the sons was James, who commanded a regiment at Norfolk, in 1812, and the youngest **WINFIELD**, the subject of this Memoir. At the death of his father, the care of the family and the education of the children devolved upon the widow, who is reputed to have discharged her duties in the most exemplary manner. She died in 1803, leaving Scott, at seventeen years of age, in the very outset of active life.

At this time, his character is described, by one who

well knew him, as distinctly formed. He was full of hope, and animated by a just sense of honor, and a generous ambition of honest fame. His heart was open and kind to all the world, warm with affection towards his friends, and with no idea that he had, or deserved to have, an enemy.

The particulars of his early education are not fully known ; but it seems that he was intended for one of the learned professions. He pursued the usual preparatory studies, and spent a year in the high-school at Richmond, under the teachings of Ogilvie, then quite a celebrated man. Thence, he went of his own accord to the College of William and Mary, where he remained one or two years, and attended a course of law lectures. He finished his legal studies in the office of David Robertson, a Scotsman, who had been sent out originally as a tutor in the family of Scott's maternal grandfather. He is said to have been a learned and worthy man.<sup>1</sup>

In 1806, Scott was admitted to the bar, but remained in Virginia only about a year. During this time, he rode the circuit two terms, in the vicinity of Petersburg. In the same period he resided and read much with Benjamin Watkins Leigh, Esq., since well known as one of the chief ornaments of the bar and state of Virginia. He then, and subsequently, enjoyed the advice and instruction of this able counsellor—an advantage and obligation he has ever been ready to acknowledge.

In the autumn of 1807, he emigrated to South Carolina,

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<sup>1</sup> He was reporter of the debates in the Convention of Virginia, called to consider the adoption of the Federal Constitution ; and also of the proceedings on the trial of Aaron Burr.

intending to practise law in the courts of Charleston. For this purpose he passed through Columbia, the seat of government, to procure from the legislature a special exemption from the general law requiring practitioners to have a year's residence in the state. It passed one house, but failed, from want of time, in the other. This defeated his intention of immediate practice in Charleston, and not improbably turned the current of his life. Disengaged from business, the political events of his country, then rapidly moving to a crisis, soon transferred him to another and a more active and brilliant scene. It was just at this period, that the aggressions of the European powers, especially England, on the commerce of the United States, had reached their height, and inspired the youth of the nation with martial feelings. A spirit of resistance was excited, and, to discerning eyes, not a few indications of war were visible.

In this spirit of patriotism and of indignant resentment for wrongs endured, Scott largely shared. We have seen that he was then hopeful, ambitious, and emulous of fame. Thus he combined in his character the elements of a patriot soldier.

In the summer of 1807, he had specially volunteered, as a member of a Petersburg troop of horse, that had been called out under the proclamation of the president, forbidding the harbors of the United States to British vessels of war. This was in consequence of the attack on the frigate *Chesapeake*. Their station was near Lynnhaven Bay, and their duty soon over.

On his return to the north, after his visit to Charleston, the country was in the midst of the political excitements which attended renewed difficulties with England, and

the enactment of the embargo law.<sup>1</sup> In the winter of 1807-8, a bill was introduced into Congress for the enlargement of the army, and Scott, like many others of his young countrymen, applied for a commission in the new regiments about to be raised. The bill lingered, however, in Congress, and the prospect of war diminished. Scott, impatient at the want of decision in the public councils, and dissatisfied with his own want of employment, returned to his circuit. The augmentation of the army, notwithstanding the delay, took place. The law was passed in April, and in May, 1808, he became, through the influence of his friend and neighbor, the Hon. William B. Giles, a captain of light artillery.

The war, however, to which so many of the warm spirits of the country looked forward, was not yet to take place. It was one of the singular results of party spirit, that the nation found it difficult to choose the object of its hostility. It could not be denied, that both England and France had done enough against the neutral commerce of the United States to excite the just resentment of any independent nation, but the sympathies of the people were divided between the French and English parties in the great continental war. It was then too little felt that the republic of the United States was itself a great nation, to which the controversies of Europe were entirely foreign, and to whose views, interests, and principles, those of every other people were dissimilar, if not antagonistic. It was urged by those who sympathized with England, that France was the aggressor in the attacks on neutral com-

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<sup>1</sup> The embargo was enacted in the close of 1807, and the non-intercourse act, 1st of March, 1808.

merce, and by those who sympathized with France, that England had committed other and greater wrongs. The controversy is still kept up in the volumes of respectable historians.<sup>1</sup> There was one claim, however, set up by England, which, in spite of French confiscations,<sup>2</sup> cast the balance greatly against England. It was the claim to *search* the ships and *impress* the seamen of neutral nations—a right which she claimed “under the common maritime laws of nations,” and which, but for American resistance, she would have continued to exercise, and be, in fact,<sup>3</sup> the mistress of the seas.

It was under the pressure of acts and claims so utterly hostile to the interests and dignity of the United States, that the American nation, with an executive averse to war,<sup>4</sup> and a policy entirely peaceful, were finally induced to take up arms against Great Britain. In the political controversies of this exciting period, Scott was, in his opinions and acts, with the Democratic party. He was educated, believed, and acted, according to the political principles of Mr. Jefferson. He supported the election of Mr. Madison to the presidency, and, from the attack on the Chesapeake to the declaration of war, he was an approver, a supporter, and a writer in favor, of war measures.

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<sup>1</sup> See the 82d chapter of Alison's History.

<sup>2</sup> The French confiscated at Antwerp, and many other places, enormous amounts of American property, which was sold for the benefit of the French military chest!

<sup>3</sup> The claim amounted to a claim to absolute dominion.

<sup>4</sup> Mr. Madison was very averse to war, if it could be avoided.

## CHAPTER III.

1808 to 1812.

Scott is transferred to Louisiana.—His Persecution by Wilkinson.—Is tried by a Court Martial and suspended.—Pursues his Military Studies.—Acts as Judge Advocate.

THE purchase of Louisiana imposed upon the government of the United States the necessity of its defence. The Mississippi disemboguing itself into the Gulf of Mexico, after traversing more than four thousand miles of fertile valleys, its mouth became one of the most important commercial points in America or in the world. The vast importance of that point to the numerous rivers, to the broad alluvial plains, and to the millions of people who should, in after-time, live upon them,<sup>1</sup> had been foreseen by wise men, and caused the purchase of that territory, to secure the growth of the West, the navigation of its rivers to the ocean, the defence of the frontier, and the permanency of the Union. The sagacity of the purchase all history will now admit. Since the days of Alexander no more valuable addition has been made to the possessions of any nation, by the conquests of war, or the arts of negotiation. This peaceful acquisition was to the United States a more solid

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<sup>1</sup> Beyond doubt, the territory acquired by the purchase of Louisiana, will maintain and must soon have one hundred millions of people

property and a more durable laurel, than any acquired by the victories of the Roman Cæsar.

When the difficulties arose with Great Britain, it was apprehended that a sudden invasion of Louisiana might be made, and under this apprehension a military force was kept there, under the command of General Wilkinson. In 1809, Scott was ordered to New Orleans, and joined the army there. He was then a captain of light artillery, at only twenty-three years of age, frank, ardent, and bold. It was not at all surprising, then, that he should express his opinions with freedom, or that such freedom should sometimes be ill received by others. This was the case in a difficulty which soon after ensued between Scott and Wilkinson.

The origin of this difficulty was in the connection of the latter with the trial and intrigues of Burr. Scott had witnessed the development of these transactions at Richmond, before he joined the army, and thought the conduct of his present commander doubtful. Wilkinson made several unsuccessful efforts to win him to his purposes, as "a young man who could speak, and write, and fight"—qualifications for which he had almost daily occasions. Having failed to gain the confidence of Scott, the general seems to have been determined to force him out of the service by continued persecutions. Scott's frankness, frequently pushed to indiscretion, soon gave the general a favorable opportunity of striking the meditated blow.

Circumstances which afterwards occurred, brought on a crisis. The discipline of the Mississippi army became much impaired. The camp established in June, 1809, a little below New Orleans, became, as many had foreseen, very sickly. A large part of the army perished. The

survivors were transferred to a new camp near Natchez; and Wilkinson was ordered to the seat of government, to undergo an investigation into his conduct. In the winter of 1809-10, General Hampton took the command in the South, but Wilkinson still remained in the neighborhood.

The fact that Wilkinson was not then *in command*, caused Scott to think he might indulge in censures of that officer, without violating the rules of military service. Accordingly he was quite free in discussing the conduct of his late commander, who was soon made acquainted with the criticisms of the young captain of artillery, and, as the result showed, deeply offended. Scott was arrested, and tried by a court martial on two charges.

The *first* was substantially, that of *withholding* the men's money placed in his possession for their payment, for two months, and withholding it intentionally.

The *second* was unofficer-like conduct, in using *disrespectful language* towards his superior officer, in violation of the 6th Article of War, which says, that "any officer who shall *behave himself* with contempt and disrespect towards his commanding officer, shall be punished, according to the nature of the offence, by the judgment of a court martial."

The first of these charges (substantially that of embezzlement) Scott indignantly denied; but the second, that of "disrespectful language," he acknowledged, and boldly undertook to justify. The trial took place at Washington, near Natchez, in January, 1810. The result was, that the court acquitted him of all fraudulent intention in detaining the money of his men; but convicted him under the second charge of unofficer-like conduct, (for using disre-

spectful language towards his commanding officer,) and sentenced him to suspension from rank, pay, and emoluments for one year.<sup>1</sup>

<sup>1</sup> As this trial and charges may possibly be misunderstood, we have obtained an authenticated abstract of the Record, in regard to the findings and sentence against Captain Scott. On the specifications *not quoted*, he was fully acquitted.

CHARGE I.—“Conduct unbecoming an officer and a gentleman.”

1. Specification.—“In withholding at sundry times men’s money placed in his possession for their payment, for the months of September and October.”

2. Specification.—(Acquitted.)

CHARGE II.—And Specifications.—(Acquitted.)

CHARGE III.—(Additional.)—“Ungentlemanly and unofficer-like conduct.”

1. Specification.—“In saying, between the first of December and the first of January, 1809–10, at a public table, in Washington, (Mississippi Territory,) that he never saw but two traitors, General Wilkinson and Burr, and that General Wilkinson was a liar and a scoundrel.”

2. Specification.—(Acquitted.)

#### *Finding and Sentence.*

1. “Guilty of the first specification of the first charge, and pronounce his conduct unofficer-like. (Not *ungentlemanly*.)

2. “The court acquit the prisoner of the second charge and specification.

3. “The court find the prisoner guilty of the first specification of the additional charge, but not guilty of the second specification; and pronounce his conduct unofficer-like; and sentence him to be suspended from all rank, pay, and emoluments, for the space of twelve months. *But the Court have no hesitation in acquitting the prisoner of all fraudulent intentions in detaining the pay of his men.*—The Court adjourned.

“\* \* The court met pursuant to adjournment, and recommended to the general the remission of nine months of Captain Scott’s suspension.”

(Signed,) “H. RUSSELL,

Colonel of the 7th infantry, president.

“WILLIAM KING,

Lieutenant of infantry, judge advocate.

Whatever may be thought of this transaction, there is one fact connected with the general history of the country, which should be here remembered. All who are familiar with the popular feeling of the country at that period, know that it ran very strongly against Burr, and all who were supposed, directly or indirectly, connected with him. Wilkinson was supposed, (whether justly or not,) to have been in some way implicated. It was this feeling,—patriotic in its basis,—which Scott shared, and which urged him subsequently to the use of indiscreet words.

The facts in regard to the first charge (that of retaining money) appear to have been these : Prior to his departure for New Orleans, he had recruited his company in the interior of Virginia. While there, remote from commissary, paymaster, or quarter-master, and without advice or experience, a small sum of money (about \$400) was placed in his hands for the service of his company. Some of the receipts taken for payments were irregular, and at the time of his trial, a small part of this small sum (about \$50) was uncovered by *formal* vouchers. The court so found, but expressly acquitted him of all “fraudulent intentions.” In fact, he had been charged with all he received at the treasury, where nothing could be received as a credit, except in the shape of a formal voucher.

Thus terminated what, at the time, was a vexatious proceeding to Captain Scott ; but which, we shall presently see, was really advantageous to him. The only matter the court had seriously found against him, was an indiscretion in words, and that, too, originating in an excess of patriotism. The trial was very far from producing an unfavorable effect on the public mind ; for he was soon after complimented by a public dinner, given by many

officers and citizens of the neighborhood, and followed by the good wishes of all to whom he was personally known.

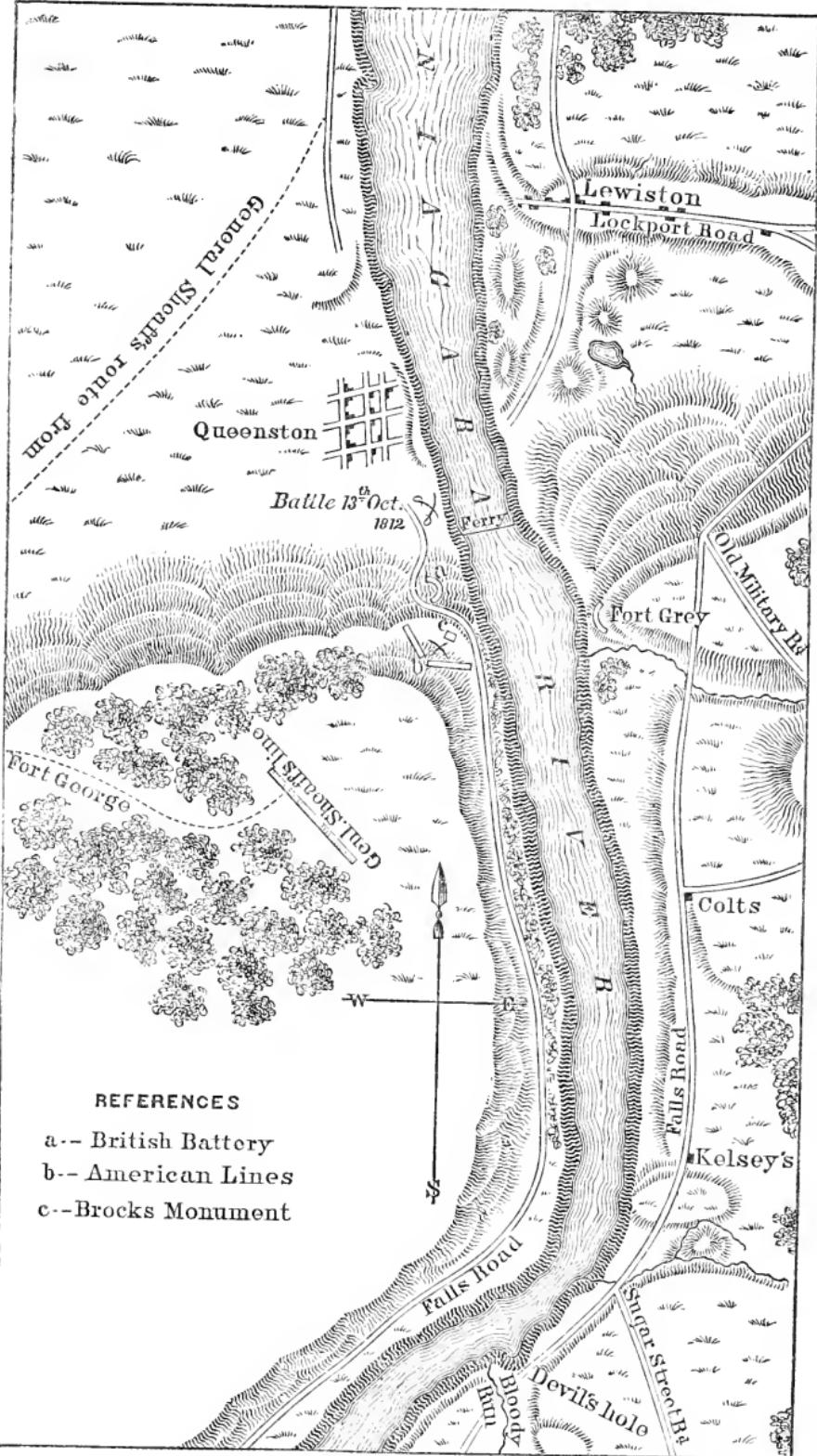
It may not be out of place to remark, that General Wilkinson first published his attack on the fame of Scott, immediately after the close of the late war. Whether it was prompted by a comparison of his entire failure in the campaign of 1813, and the disgraceful defeat at La Cole Mills in the following spring, with the brilliant achievements on the Niagara frontier, in which Scott bore so conspicuous a part, or whether it was the result of a long-cherished purpose of revenge, is not material to inquire. The public have the facts, and can draw their own conclusions.

Scott returned to Virginia, somewhat at a loss what to do in the year of his suspension. He there met again his friend, B. Watkins Leigh, Esq., who advised him to employ his leisure time in the diligent study of such works on the military art, as would be most useful to him in his profession, especially such as taught the principles of the art. He also offered him the use of his house and library. Scott accepted the invitation, and remained at the house of Mr. Leigh near a year, pursuing his studies with such ardor and diligence, that the sentence of suspension was probably one of the fortunate events of his life.

Scott was continually of opinion, with other intelligent men, that war with Great Britain must break out; and hence, while pursuing his studies at Mr. Leigh's, his great anxiety was, lest it should break out while he was under suspension. This, however, was not the case; and he had an opportunity to resume his place in the army, better prepared for the duties of his profession, before active hostilities were commenced.

In March, 1812, he acted as judge advocate upon the

trial of Col. C——. A report of this trial was afterwards published, and it is said that his management of the investigation, and his replication to the defence, afforded honorable proofs of his legal talents and acquisitions.



#### REFERENCES

- a-- British Battery
- b-- American Lines
- c-- Brocks Monument

## CHAPTER IV.

1812.

Commencement of the War.—State of the Niagara Frontier.—Scott joins the Army on the Niagara Frontier, and aids in a gallant enterprise.—Battle of Queenstown Heights.—Flag of Truce.—Surrender.—Scott's singular adventure with two Indian Chiefs.—Funeral of Brock.

THE aggressions committed by the English nation, though unavenged, were not forgotten. Still, the American people long cherished the hope that a sense of justice would induce the British ministry to bring to a speedy and honorable termination the unfortunate differences subsisting between the two nations. They were unwilling to resort to the ultimate means of redress until all peaceful measures had been exhausted ; and, indeed, so tardy was the government in preparations for war, that the people, in many parts of the country, loudly complained of its want of firmness and energy. But delay brought no redress. Injury was followed by indignity, until the peaceful policy of the government at length yielded, and on the 18th of June, 1812, war was formally declared against Great Britain and its dependencies, by the Congress of the United States.

Previous to that date,<sup>1</sup> General Hull, in anticipation of that event, had been appointed to the command of a nu-

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<sup>1</sup> Hull was appointed to the command of the northwestern army some time in May.

merous and well-furnished army,<sup>1</sup> intended for the invasion of Canada, from some point near Detroit. This army passed Cincinnati the latter part of May, left Dayton on the 1st of June, arrived on the Maumee River on the 30th, and crossed the River of Detroit, for the invasion of Canada, on the 12th of July. The expedition was attended with the high hopes of the people, the officers, and the men. It was opposed by no superior force, and when in front of the enemy, no sound of discontent was heard, nor any appearance of cowardice or disaffection seen. On the contrary, every man awaited the battle in sure anticipation of victory, expecting a proud day for his country and himself.<sup>2</sup> Notwithstanding all this preparation, notwithstanding the superiority of the force, and notwithstanding these vivid anticipations of success and glory, the entire army was, without apparent cause, surrendered to the demand of General Brock, on the 14th of August.

This event, so unexpected and so disastrous, filled the American people with confusion and mortification. No one, who does not remember the appearance and conversation of the people at that time, can form a correct idea of the mournful effect produced by the surrender of Hull. Indignation, grief, and shame, alternately filled the hearts of the honest citizen and the patriot soldier. It was a veil of darkness drawn over the face of the country.

Such was the commencement of the war of 1812, un-

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<sup>1</sup> The army was composed of the 4th regiment of infantry, who had borne the brunt of the battle on the field of Tippecanoe; a part of the 1st regiment of infantry; three companies of the 1st artillery; three regiments of volunteers from Ohio, of which two companies were from Cincinnati; and the Michigan militia.

<sup>2</sup> See Cass's Letter, dated 10th of September.

fortunate, disastrous, and melancholy. It was certainly no encouragement to those who soon after commenced the campaigns of the Niagara, where bloody fields, brave actions, and positive achievement, reanimated the hopes of the country, and gave a durable glory to the American arms. In republican governments, the people are naturally jealous of military power. They regard large standing armies with distrust, and are reluctant to resort to them even for defence, until the peril is imminent. Hence, the commencement of a national conflict will generally be disastrous. The spirit of the people must be aroused by a sense of danger, and the feeling of national honor must be awakened before their energies can be turned from the channels of productive labor, and exerted on the field of war.

In July, 1812, Scott received the commission of lieutenant-colonel in the 2d artillery, (Izard's regiment,) and arrived on the Niagara frontier, with the companies of Towson and Barker. He took post at Black Rock, to protect the navy-yard there established.

Lieutenant Elliott of the navy had planned an enterprise against two British armed brigs, then lying at anchor under the guns of Fort Erie. For this purpose, he applied on the 8th of October, 1812, to Colonel Scott, for assistance in officers and men. Captain Towson, and a portion of his company, were dispatched to the aid of Elliott. The attack was successful. On the morning of the 9th, both vessels were carried in the most gallant manner. The "Adams" was taken by Captain Elliott in person, assisted by Lieutenant Isaac Roach;<sup>1</sup> and the "Caledonia" by the gallant Captain Towson. In dropping down

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<sup>1</sup> Mr. Roach has since been mayor of Philadelphia.

the Niagara River, the "Adams" became unmanageable, through the occurrence of a calm, and drifted into the British channel. She got aground on Squaw Island, directly under the guns of the enemy's batteries, where it was impossible to get her off. Captain Elliott, therefore, having previously secured the prisoners, abandoned her under a heavy fire from the British shore. Then ensued an interesting and exciting scene, the British endeavoring to retake the abandoned brig, and Colonel Scott to prevent them. The enemy sent off boats, and Scott resisted them, in which effort he was successful. The brig was recaptured, and held until she was subsequently burned, by order of General Smythe, who had then arrived.

As for the "Caledonia," she was preserved by the extraordinary efforts of Captain (now General) Towson, and afterwards did good service in the memorable and glorious victory won on Lake Erie, by the gallant Perry.

This was one of those small but honorable enterprises, of which many occurred during the war, which should be mentioned to the credit of the actors, and as an example to those who hereafter may have similar duties to perform in defence of their country.

In the beginning of October, 1812, Major-General Stephen Van Rensselaer had collected together, at Lewistown, about two thousand five hundred of the New York militia. The successful enterprise which resulted in the capture of the "Adams" and "Caledonia," on the 8th of that month, had given such an apparent ardor and impulse to these troops, that it was believed impossible to restrain them.<sup>1</sup> Indeed, the troops declared they must act, or go

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<sup>1</sup> General Van Rensselaer's Letter, 14th October, 1812.

home, an alternative which imposed upon the general the necessity of some active movement. Accordingly, he planned an attack on Queenstown Heights. The troops which he had at his command were the New York militia, and about four hundred and fifty regulars under the command of Colonels Fenwick and Chrystie, who, with Major Mullaney, had arrived the night before, in detachments, from Fort Niagara, for the purpose of joining in this expedition. The militia were raw, inexperienced, and undisciplined, circumstances which caused the brunt of the battle ultimately to fall on the regulars, and its final loss.<sup>1</sup>

The object of the movement was to dispossess the enemy from the fort and village of Queenstown Heights, and thus to make a lodgment for the American troops on the Canada shore, the invasion of Canada being then the leading object of the northern campaign. The plan was, to throw over the river two columns of troops, each about three hundred strong.<sup>2</sup> One was commanded by Colonel Solomon Van Rensselaer, and the other by Lieutenant-Colonel Chrystie. The detachments of Fenwick and Mullaney were to sustain, in the best way they could, these columns. These arrangements were made on the 12th of October. Late in the evening of that day, Colonel Scott had arrived, by a forced march, partly by water, and partly through mud and rain, at Schlosser, one mile from the Falls and eight from Lewistown, with the view of joining in the contemplated attack. He hastened to Lewistown, and volunteered his services to General Van Rensselaer. They were declined, on account of the ar-

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<sup>1</sup> General Van Rensselaer's Report, 14th October, 1812.

<sup>2</sup> Idem.

rangements already made ; but, not without permission, that Scott should bring his regiment immediately to Lewistown, and there act as circumstances might require, or opportunities offer. This permission he at once availed himself of, and arrived with his corps, at four A. M. on the 13th. Finding no boats, he placed his train in battery on the American shore, under the immediate command of Captains Towson and Barker, and when daylight appeared, opened an effective fire on the enemy.

In the mean time, the principal movement, as originally planned, had gone on. All the boats which could be collected were employed to transport the columns of Chrystie and Van Rensselaer. Unfortunately, the boats were insufficient to take the whole number at once, and the passage was made by detachments.<sup>1</sup> The boat in which Chrystie was, became partially disabled, was mismanaged by the pilot,<sup>2</sup> and finally carried out of the way by the eddies of the river. He made a gallant attempt to land, but was wounded, and compelled to return to the American shore. In the after part of the engagement, he returned with reinforcements to the troops in Canada, and shared the fate of the day.<sup>3</sup>

The main body of the first embarkation, under the direction of Colonel Van Rensselaer, was more successful. Two companies of the 13th regiment,<sup>4</sup> with other small detachments of the same regiment, were able to land, and were successively reinforced, from time to time, as the few serviceable boats to be had could transport them. They were landed under a severe fire of the enemy.

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<sup>1</sup> Chrystie's Letter, dated 22d of February, 1813. <sup>2</sup> Idem. <sup>3</sup> Idem.

<sup>4</sup> Armstrong's Notices of the War.

At this time the numbers of both contending parties were small. The British force was composed of two flank companies of the 49th, and the York militia. The Americans did not number much over one hundred combatants.<sup>1</sup> Notwithstanding the continued cannonade from the enemy's batteries, this small force formed on the bank, and marched steadily forward.

In a few moments, this fire had killed or wounded every commissioned officer, and among these, Colonel Van Rensselaer himself, who received four severe wounds.<sup>2</sup> Notwithstanding this, he sustained himself long enough to impart the local information he possessed to other officers, who had in the mean while come up.<sup>3</sup> In leaving the field, his last command was, that "all such as could move should immediately mount the hill and storm the batteries."<sup>4</sup> This order was promptly obeyed by Captain (now General) Wool, who greatly distinguished himself, with Captains Ogilvie, Malcolm, and Armstrong, and Lieutenant Randolph. These brave officers stormed the heights, took a battery composed of an eighteen-pounder and two mortars, half way up the acclivity, and were soon in possession of the highest point, called the "Mountain." At this point of time, the enemy were beaten, routed, and driven into a strong stone building near the water's edge.<sup>5</sup> Here the fugitives were rallied and succored by General Brock, the lieutenant-governor of Upper Canada, who had returned from the capture of Hull to

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<sup>1</sup> General Van Rensselaer's Letter, 14th October, 1812.      <sup>2</sup> Idem.

<sup>3</sup> Reinforcements in small detachments continued to arrive in boat-loads.

<sup>4</sup> Armstrong's Notices of the War.

<sup>5</sup> Idem.

defend the Niagara frontier.<sup>1</sup> Here was his last act of gallantry. He fell, at the head of the troops he was leading to the charge, and with him, his secretary, Colonel McDonald. The British troops were again dispersed, and for a time there was a pause in the action of the day.

Exactly at this period, Lieutenant-colonel Scott arrived on the heights. He had been permitted, as a volunteer, to cross the river with his adjutant, Roach, and assume the command of the whole body engaged. On the Canada side, he unexpectedly found Brigadier-general William Wadsworth<sup>2</sup> of the New York militia, who had crossed without orders. Scott, therefore, proposed to limit his command to the regulars. But the generous and patriotic Wadsworth would not consent. He promptly yielded the command over all the forces to Scott. "You, sir," said he, "know best professionally what ought to be done. I am here for the honor of my country, and that of the New York militia." Scott, therefore, assumed the command, and, throughout the movements which ensued, General Wadsworth dared every danger in aiding the views of the commander. Though they had met for the first time, he had become already attached to the young colonel. He repeatedly, during the battle, interposed his own person to shield Scott from the Indian rifles, which his tall person attracted.

Reinforcements having arrived during the previous engagements, the forces under Scott now amounted, in all, to three hundred and fifty regulars, and two hundred and

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<sup>1</sup> Hull surrendered on the 15th of August. Brock returned to Niagara on the 25th.

<sup>2</sup> Recently of Genesee, and now dead.

fifty volunteers, under the direction of General Wadsworth and Colonel Stranahan. These, Scott, assisted by the judgment of Captain Totten,<sup>1</sup> drew up in a strong and commanding situation. The object in view was not only to receive the enemy, but to cover the ferry, in expectation of being reinforced by the whole of the militia at Lewistown.

The interval of rest was but short. The first gun which broke the silence of the morning, had also roused the British garrison of Fort George, eight miles below. Their troops were instantly put in motion. The Indians, who had been concentrated in the neighborhood, sprang into activity. In a short time, five hundred of these forest warriors joined the British light companies previously engaged. A new battle ensued. The Americans received the enemy with firmness, and drove them back in total rout. Colonel Chrystie, who had then returned to the Canada shore, states,<sup>2</sup> that he there found Lieutenant-colonel Scott leading and animating his troops, with a gallantry which could not be too highly extolled.

The protection of the ferry being the main purpose, and the Indians in the wood presenting no object for a charge, the Americans resumed their original position,<sup>3</sup> and there maintained it valiantly against several successive attacks, till the British reinforcements arrived from Fort George. In one of these affairs, the advanced picquets of the American line were suddenly driven in by superior numbers, and a general massacre seemed inevitable. At this critical moment, Scott, who had been in

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<sup>1</sup> Now Colonel, and chief of the corps of engineers.

<sup>2</sup> Chrystie's Letter, 22d February, 1813.

<sup>3</sup> Idem.

the rear, showing how to unspike a captured cannon, hastily returned, and by great exertions brought his line, in the act of giving way, to the right-about. His brilliant example produced a sudden revulsion of feeling. They caught the spirit of their leader. With a unanimous burst of enthusiasm, the line suddenly rallied from right to left, threw itself forward upon the enemy, putting him to a precipitate flight, and strewing the ground with the dead and the wounded. In this manner successive conflicts were kept up, till the main body of the British reinforcements arrived. This was a column eight hundred and fifty strong, under the command of Major-general Sheaffe.<sup>1</sup>

During the action, which had now so long proceeded with credit to the American troops, the militia who had crossed the river, and were engaged with Wadsworth and Stranahan, had fought well, and shared both the dangers and the successes of the day. At this crisis, however, when the result of the battle depended entirely upon reinforcements, information was brought to Scott and those engaged, that the militia on the American shore refused to cross! General Van Rensselaer rode among them, in all directions, urging the men by every consideration to pass, but in vain.<sup>2</sup> Not a regiment nor a company could be induced to move! A panic had seized them; but even had it been otherwise, they could not have crossed, as but a few crippled boats remained to take them over.<sup>3</sup>

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<sup>1</sup> Since Sir Roger Sheaffe, made a baronet for the events of that day.

<sup>2</sup> General Van Rensselaer's Letter to General Dearborn, October 14th, 1812.

<sup>3</sup> This was the original error of the expedition. The total number of boats is said, in the accounts, to have been but thirteen.

Severe was the mortification of this disaster to the brave men engaged, and mournful the result !

At this period, the British force was estimated, regulars, militia, and Indians, at not less than thirteen hundred, while the Americans were reduced to less than three hundred.<sup>1</sup> Retreat was as hopeless as succor ; for there were no boats on the Canada shore, and the militia on the other side refused to give them aid. Scott took his position on the ground they then occupied, resolved to abide the shock, and think of surrender only when battle was impossible. He mounted a log in front of his much-diminished band : "The enemy's balls," said he, "begin to thin our ranks. His numbers are overwhelming. In a moment the shock must come, and there is no retreat. We are in the beginning of a national war. Hull's surrender is to be redeemed. Let us then die, arms in hand. Our country demands the sacrifice. The example will not be lost. The blood of the slain will make heroes of the living. Those who follow will avenge our fall and their country's wrongs. Who dare to stand ?" " ALL !" was the answering cry.

In the meanwhile, the British, under the command of Major-General Sheaffe, manœuvred with great caution, and even hesitation,<sup>2</sup> conscious of the vigorous resistance already made, and determined fully to reconnoitre. They found it difficult to believe that so small a body of men was the whole force they had to contend with, and supposed it rather an outpost than an army. At length, the attack began. The Americans for a time maintained their resolution, but finally began to give way. When nearly

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<sup>1</sup> See Chrystie's Letter.

<sup>2</sup> Idem.

surrounded, they let themselves, (by holding on to limbs and bushes,) down the precipice to the river. Resistance was now ended, and after a brief consultation, it was determined to send a flag to the enemy, with a proposition to capitulate. Several persons were successively sent, but neither answer nor messenger returned ; they were all shot down, or captured by the Indians. At length, Scott determined that he himself would make another attempt. He prepared a flag of truce—a white handkerchief fastened upon his sword—and accompanied by Captains Totten and Gibson, went forth, on a forlorn hope, to seek a parley. Keeping close to the water's edge, and under cover of the precipice as much as possible, they descended along the river. They were exposed to a continual random fire from the Indians, until they turned up an easy slope to gain the road from the village to the heights. They had just attained this road, when they were met by two Indians, who sprang upon them. It was in vain that Scott declared his purpose, and claimed the protection of his flag. They attempted to wrench it from his hands, and at the same instant Totten and Gibson drew their swords. The Indians had just discharged their rifles at the American officers, and were on the point of using their knives and hatchets, when a British officer, accompanied by some men, rushed forward, and prevented a further combat.

The three American officers were conducted into the presence of General Sheaffe ; terms of capitulation were agreed on, and Scott surrendered his whole force with the honors of war.<sup>1</sup>

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<sup>1</sup> The entire force thus surrendered, of those who had been *actually fighting*, were 139 regulars, and 154 militia, making in all 293.

To his intense chagrin and mortification, the number of prisoners was soon swelled by several hundreds of militia, who had crossed to the Canada shore, and in the confusion of the moment, had concealed themselves under the rocks higher up the river, and were not in the slightest degree engaged in the action of the day.<sup>1</sup>

Throughout this scene of various action, of mistake and misfortune, of success and disaster, Lieutenant-Colonel Scott,—says an accurate account,<sup>2</sup>—was distinguished for great exertions. He was in full-dress uniform, and his tall stature made him a conspicuous mark.<sup>3</sup> He was singled out by the Indians, but remained unhurt. He was urged to change his dress. “No,” said he, smiling, “I will die in my robes.” At the same moment Captain Lawrence fell by his side, as it was supposed, mortally wounded.

Thus ended the battle of Queenstown Heights : an engagement desultory in its movements, various in its incidents, and unfortunate in its result ; but not without consequences important to the spirit and vigor of the American arms. Magnitude is not always necessary to the dignity of an achievement, nor is defeat always discouraging to the unsuccessful party. It is the nature of the action which gives character to the actor. Judged by this

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<sup>1</sup> The total loss of the Americans in the battle of Queenstown, was estimated at 1000 men. About 100 were killed, 200 who had landed with Major Mullaney early in the day, were forced by the current of the river on the enemy’s shores under his batteries, and were there captured. 293 surrendered with Scott, and the residue were those who had landed, but were not in the battle.

<sup>2</sup> Niles’s Register, 3d volume, page 170.

<sup>3</sup> General Scott is about six feet five inches in height, and of commanding stature.

standard, the events of Queenstown had their value, and their inspiration to every patriot American. Hull had surrendered without a battle ; disgrace, not from the mere disaster, but from the mode by which it was produced, was inflicted upon the country, and felt in the hearts of its children. It was battle, and honorable battle only, which could drive this gloomy shadow from the country, check the taunts of enemies, remove its own doubts, and re-establish its self-respect. The battle of Queenstown Heights did this in no small degree. While the mistakes, the errors, and the losses of that day were deplored, the American press and people<sup>1</sup> recognised, amid regrets and misfortunes, a spirit of achievement, a boldness in danger, and a gallant bearing, which inspired new hopes, and pointed out the way to ultimate success. The daring gallantry of Colonel Van Rensselaer ; the capture of the British battery by Wool and his heroic companions ; the intrepid conduct of Wadsworth, of Chrystie, of Totten, and many others, and particularly the courage, skill, and continued activity and exertions of Scott, had given a cheerfulness even to the darkness of defeat, and almost a glow of satisfaction to the memory of Queenstown Heights.

After the surrender, the prisoners were escorted to the village now called Niagara, at the mouth of the river, where the officers were lodged in an inn, and placed under guard. The sentinel had received orders to suffer no prisoner to pass out, but not otherwise to restrain their motions. In a little while, a message came that some one wished to speak with the "tall American." Scott passed through several doors into the entry. He was surprised

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<sup>1</sup> 3d volume Niles's Register, page 170.

to find in his visitors the same two Indians, hideously painted as in battle, who had sprung upon him while he was bearing the flag of truce. The elder, tall and strong, was the distinguished chief known by the name of **CAPTAIN JACOBS**. The other was a young man of fine figure, and only inferior in muscular development. In broken English, and by gestures, the prisoner was questioned as to his shot-marks: the Indians severally holding up their fingers to indicate the times their rifles had been levelled at him.<sup>1</sup> Jacobs grew warm, and seized Scott by the arm to turn him round to see his back. Indignant at this manual liberty, the American threw the savage from him, exclaiming, "Off, villain! You fired like a squaw!" "We kill you now!" was the angry reply, loosening from their girdles at the same instant knives and tomahawks. There was no call for help; none could have arrived in time; and flight would have been, in the opinion of such soldiers as Scott, dastardly. In a corner of the entry, under the staircase, stood the swords of the American officers, which, according to the customs of war, they had been desired to lay aside on their arrival. A long sabre, in a heavy steel scabbard, as readily drawn as grasped, lay on the outside of the stack. A spring swiftly to the rear, and another back upon the foe, brought the American, with blade hung in air, to an attitude of defiance. A second lost—a quiver—or an error of the eye, would have ended this story, and left no further room to the biographer of the "tall American." Of one of his assailants Scott was absolutely sure; but that he would fall by the hands of the other before the sword could be again poised, seemed

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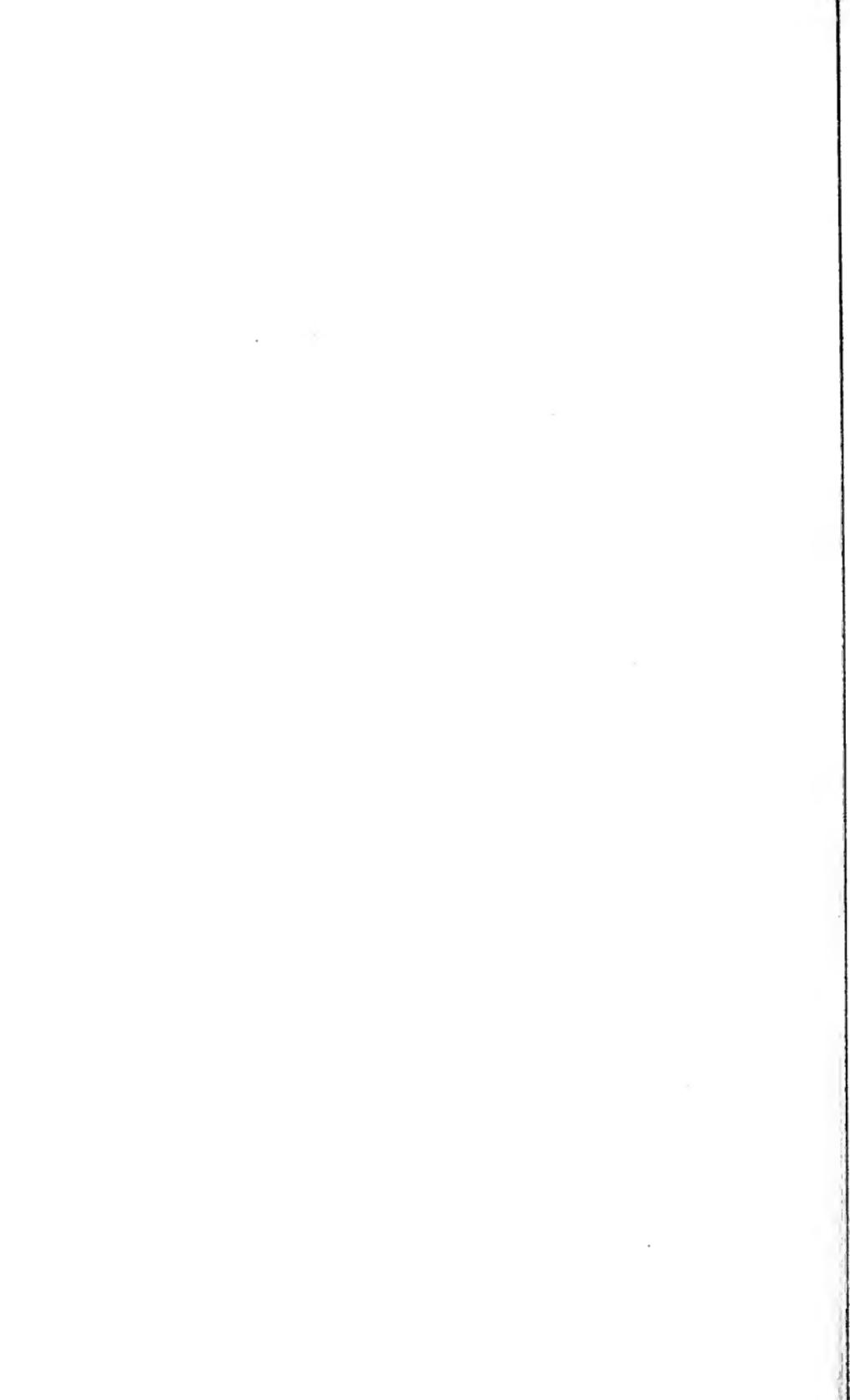
<sup>1</sup> 3d volume Niles's Register, page 170.

equally certain. He had the advantage of position--standing on the defensive, in a narrow entry, just within the foot of the staircase. It was a pass that could not be turned. The savages were held without, in the wider space, near the front door, but manœuvring like tigers to close upon their prey. The parties were thus terribly grouped, when a British officer, entering from the street, and seeing what impended, cried, "*The guard!*" and at the same moment seized Jacobs by the arm, and put a pistol to the head of his companion. Scott held his blade ready to descend in aid of his gallant deliverer, now turned upon by his foes. The sentinels obeyed the call they had heard, and came in, with bayonets forward. The Indians were marched off, muttering imprecations on all white men, and all the laws of war. The younger of these Indian chiefs was the son of the celebrated Brant, of the Revolutionary war, whose life has recently been given to the public by the late Col. Wm. L. Stone. The officer who so opportunely entered, on a visit of courtesy, was Captain Coffin, then in the staff of General Sheaffe, and now of high rank in the British army. This adventure he frequently narrated, both in New York and on the other side of the Atlantic.

The exasperation of the Indians against Colonel Scott was occasioned by the number of their people killed on Queenstown Heights; and their excitement was so great, that while he remained at Niagara he could not leave his inn, even to dine with Sir Roger Sheaffe, without a British escort.

Soon after the surrender, the gallant Brock was buried under one of the bastions of Fort St. George, with the highest of military honors. Fort Niagara, directly oppo-





site on the American shore, was commanded at the time by Captain McKeon.<sup>1</sup> Colonel Scott sent over his compliments, and desired that minute-guns might be fired during the funeral ceremonies. Captain McKeon readily complied with the request; for the noble qualities of Brock had been held in equal esteem on both sides of the line. It is one of the privileges which smooth the rough brow of war, thus to render a just respect to the worthy dead, whether they be of friends or adversaries. It is the right of magnanimity to carry no hostility beneath the green covering of the grave, nor beyond that line which peace has drawn between noble spirits that once were foes, nor against those generous qualities which dignify the man and adorn the race.

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<sup>1</sup> Father of the Hon. John McKeon, late a member of Congress from the city of New York.

## CHAPTER V.

1812.

Reflections on the Principles of the American Government.—The Captured Irishmen.—Scott's interference in their behalf.—Their joyful interview with him.—His efforts with the Government.—Letter of Lord Bathurst.—Mr. Monroe's Report.—Mr. Hanson's Speech.—Reflections on the whole

THE republic of the United States was founded on the two principles of **LIBERTY** and **CHRISTIANITY**. Liberty had been asserted by the republics of Greece, and Christianity had for eighteen centuries maintained its existence. But a liberty professing to be founded on the rights of the people, and a Christianity not united with the state, were never before co-existent and moving together, harmonious among one people, and under one government—in the history of mankind. It was a moral glory—of full-orbed light, which had never before risen on the broad horizon of human hopes. It was, therefore, peculiar in its essential being. This peculiarity penetrated its very nature, was visible in all its operations, and constitutes a continual contrast with all other nations. In the same manner and for the same reason, whether in war or peace, the negotiations of the American government often contain points of discussion, raised by the nature of its republican principles, which are little understood in Europe, and still less assented to by European

governments. In that part of American history now considered, some of these points arose and were discussed.

The battle of Queenstown Heights gave rise to one of these discussions, an account of which, therefore, chronologically, belongs to that event. The question debated was the right of expatriation ; that is, whether a citizen of one country has a right to leave that country and attach himself to another, without the consent of the law ? This question, considered as an abstract principle, is not new. It has been debated ever since any principles at all were applied to the intercourse of nations. The Romans acknowledged the right of emigration, and claimed it, as one of the firmest foundations of Roman liberty.<sup>1</sup> The people of the United States, and some of the state constitutions, declare and act upon this right.<sup>2</sup> It must be an act done voluntarily, and with the intention of changing residence and remaining in another country, or the emigrant will be entitled to the rights of an American citizen, and be required also to yield allegiance.

On the other hand, the government of Great Britain denies the right of expatriation, and, till recently, denied the right of emigration at all. Laws were, till within a few years, enforced, forbidding altogether the emigration

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<sup>1</sup> Ne quis invitus civitate mutetur : neve in civitate maneat invitus. Haec sunt enim fundamenta firmissima nostrae libertatis, sui quemque juris et retinendi et dimittendi esse dominum.—Cicero, *Oratio pro I. C. Balbo*, ch. 13. Quoted by Chancellor Kent, 2 *Commentaries*.

<sup>2</sup> The Court of Appeals in S. Carolina, in a solemn decision on the Ordinance of 1832, declared that an oath to bear “*faithful and true allegiance*” to the *State of S. Carolina*, was void, because *allegiance* was first due to the *National Government*, and any thing derogating from that was unconstitutional.

of artisans, or other persons particularly skilled in work. The doctrine of that government is perpetual allegiance, and the idea that a British citizen could become the citizen of another country, has not heretofore been tolerated in British jurisprudence.

In the courts of the United States the same question has been discussed, but without any final result.<sup>1</sup>

In France, the law allows a French citizen to expatriate himself, but not to bear arms against France. His accepting a foreign naturalization forfeits all his civil and political rights at home.<sup>2</sup> Very nearly the same is true of the Austrian law.<sup>3</sup>

The great principles on which the American government is founded, will throw some light on this subject, considered as an American question. One of these principles is that of Christianity. And has Christianity nothing to do with the political principle of emigration, and, if necessary, of expatriation? The first command given to the disciples, immediately after the full revelation of the Christian code, was, to "go and teach all nations,"<sup>4</sup> a command which could not be fulfilled but by personal

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<sup>1</sup> There have been several cases in the Supreme Court, touching the right of expatriation, but the court has rather tended to sustain the English law. These decisions had, however, nothing to do with the national right of protection to its adopted citizens. The cases in which this matter was discussed are *Talbot vs. Janson*, 3 Dallas, 133; *Isaac Williams*, 4th volume Niles' Register, 109; *The Santissima Trinidad*, 7 Wheaton, 283. In these cases the courts maintained that *expatriation* could not take place without a *bona fide change of residence with an intention to remain*. But the question of expatriation itself, they left undecided.

<sup>2</sup> 2 Kent's Commentaries, p. 50.

<sup>3</sup> Austrian Decree of 1832. See 2 Kent's Commentaries, p. 50, note.

<sup>4</sup> Matthew xxviii. 19

presence in the midst of all nations, which required continual commercial intercourse, the propagation and improvement of the arts, and, finally, the protection of strangers in the midst of foreign nations. This was necessary to propagate Christianity, and, when propagated, its effect was to make peace permanent, and the progress of improvement perpetual. In the midst of this progress of Christianity, the United States were brought into being. They adopted in no small degree its spirit. Their people were emigrants over wide oceans, and into forest lands. Should such a people, founding such a government, deny to the emigrant stranger the protection of its laws and hospitality?

The spirit of liberty also requires the unrestrained freedom of intercourse and locomotion. It requires, that the citizen should be allowed to carry his commercial enterprises into all nations, remain there, if he choose, and claim the protection of the laws in that nation where he resides.

The government of the United States, founded on these principles, has recognised the right of emigration and the right of expatriation, by the constitutional adoption of naturalization laws.<sup>1</sup> While it recognised the principle, however, that the citizens of one country may be incorporated in another, it has determined neither the time, mode, or other circumstances, under which that act may be performed. Nor, indeed, has it made the act one of obligation. The act and the mode of the act are, by the Constitution, left to each generation of the American people, and their representatives in Congress to deter-

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<sup>1</sup> U. S. Constitution, art. 1, sec. 8.

mine, according to their sense of expediency. Accordingly, they have three times changed the terms of naturalization, to correspond with their sense, at the time, of policy or propriety.<sup>1</sup>

Such were the principles on which the American government was founded, and such was the application of those principles to the questions of emigration and expatriation made in its fundamental law—the Constitution. It follows from these facts, that the national government, in all intercourse, whether of peace or war, with foreign nations, is bound to maintain the position it has assumed. If that position be opposed, as in fact it is, to the principles affirmed by other civilized nations, it equally follows, they will present points of antagonism and frequent controversy. This has been the case, and this antagonism of principles has been one of the subjects of warm debate between the governments of Great Britain and the United States. The former maintained, that citizenship is perpetual, and allegiance perpetual. If this be true, it is an inevitable consequence, that a born citizen of England, whether naturalized or not, may be reclaimed when found in foreign vessels, and incur the penalties of treason, if found fighting against his birth-country. The American government, on the other hand, maintains its right to naturalize a foreigner, and its duty to protect him when naturalized.

In October, 1807, Great Britain, by proclamation, recalled from foreign service all seamen and sea-faring men,

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<sup>1</sup> In 1790, the naturalization laws required *two* years' residence; in 1795, *five*; in 1798, *fourteen*; and in 1802, this period was reduced to *five*, where it remains.

who were natural-born subjects, and ordered them to withdraw themselves and return home. At the same time it declared, that *no foreign letters of naturalization could divest its natural-born subjects of their allegiance*, or alter their duty to their lawful sovereign.

In the United States, by the act of naturalization, a foreigner becomes entitled to all the privileges and immunities of natural-born citizens, except that of holding certain offices, such as President.<sup>1</sup> These two positions are those of absolute antagonism, and were alone sufficient to account for much of the controversy and heat which attended the war of 1812. Claims to the reclamation of British-born subjects naturalized in America, and claims to impress them when found in American ships, were made on the one hand and resisted on the other. This was the state of things when the incidents took place which we are about to relate.

The battle of Queenstown closed with the surrender of Scott and his small force to the greatly superior numbers under the command of General Sheaffe.<sup>2</sup> These prisoners were sent to Quebec, thence in a cartel to Boston, and soon after Scott was exchanged. When the prisoners were about to sail from Quebec, Scott, being in the cabin of the transport, heard a bustle upon deck, and hastened up. There he found a party of British officers in the act of mustering the prisoners, and separating from the rest such as, by confession or the accent of the voice, were judged to be Irishmen. The object was to send them,

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<sup>1</sup> 2 Kent's Commentaries, 66.

<sup>2</sup> Scott's command when surrendered, as we have seen, amounted to 139 regulars, and 154 militia.

in a frigate then alongside, to England, to be tried and executed for the crime of high treason, they being taken in arms against their native allegiance! Twenty-three had been thus set apart when Scott reached the deck, and there were at least forty more of the same birth in the detachment. They were all in deep affliction, at what they regarded as the certain prospect of a shameful death. Many were adopted citizens of the United States, and several had left families in the land of their adoption. The moment Scott ascertained the object of the British officers, acting under the express orders of the governor-general, Sir George Provost, he commanded his men to answer no more questions, in order that no other selection should be made by the test of speech. He commanded them to remain absolutely silent, and they strictly obeyed. This was done, in spite of the threats of the British officers, and not another man was separated from his companions. Scott was repeatedly commanded to go below, and high altercations ensued. He addressed the party selected, and explained to them fully the reciprocal obligations of allegiance and protection, assuring them, that the United States would not fail to avenge their gallant and faithful soldiers; and finally pledged himself, in the most solemn manner, that retaliation, and, if necessary, a refusal to give quarter in battle, should follow the execution of any one of the party. In the midst of this animated harangue he was frequently interrupted by the British officers, but, though unarmed, could not be silenced.

The Irishmen were put in irons on board the frigate, and sent to England. When Scott landed in Boston, he proceeded to Washington, and was duly exchanged. He

immediately related to the president the scene which had occurred at Quebec, and was by him instructed to make a full report of the whole transaction, in writing, to the secretary of war. This was done on the 13th January, 1813.<sup>1</sup>

As this letter is an important and authentic portion of the history of the discussion which subsequently ensued, in regard to the rights of naturalized citizens under the code of international law, we insert it in this place.

*Lieutenant-Colonel Scott to the Secretary of War.*

Sir—

I think it my duty to lay before the department that, on the arrival at Quebec of the American prisoners of war surrendered at Queenstown, they were mustered and examined by British officers appointed to that duty, and every native-born of the United Kingdoms of Great Britain and Ireland sequestered, and sent on board a ship of war then in the harbor. The vessel in a few days thereafter sailed for England, with these persons on board. Between fifteen and twenty<sup>2</sup> persons were thus taken from us, natives of Ireland, several of whom were known by their platoon officers to be naturalized citizens of the

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<sup>1</sup> American State Papers, vol. 3, p. 634, as published under an act of Congress.

<sup>2</sup> There were, in fact, twenty-three, as stated in the text. Their names are given on the 632d page, vol. 3, of American State Papers. They were as follows, viz:—Henry Kelley, Henry Blaney, George M'Common, John Dolton, Michael Condin, John Clark, Peter Burr, Andrew Doyle, John McGowan, James Gill, John Fulsum, Patrick McBraharty, Matthew Mooney, Patrick Karns, John Fitzgerald, John Wiley, John Donelly, John Currey, Nathan Shaley, Edward M'Garrigan, John Dinnue, John Williams, George Johnson.

United States, and others to have been long residents within the same. One in particular, whose name has escaped me, besides having complied with all the conditions of our naturalization laws, was represented by his officers to have left a wife and five children, all of them born within the state of New York.

I distinctly understood, as well from the officers who came on board the prison-ship for the above purposes, as from others with whom I remonstrated on this subject, that it was the determination of the British government, as expressed through Sir George Provost, to punish every man whom it might subject to its power, found in arms against the British king contrary to his native allegiance.

I have the honor to be, sir,

Your most obedient servant,

W. SCOTT,

Lieut.-Col. U. S. 2d artillery.

At the instance of Scott, this Report was, the same day, sent to both houses of Congress. It was also by him pressed on the attention of many members in each house. The result was the early passage of the "Act vesting the President of the United States with the power of retaliation;" ordered to a third reading, Feb. 27th, and passed March 3d, 1813.<sup>1</sup>

Two months after this, (May 27th, 1813,) in the battle and capture of Fort George, Scott made a great number of prisoners. True to his pledge given at Quebec, he, as adjutant-general, (chief of the staff,) immediately selected twenty-three of the number to be confined in the

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<sup>1</sup> 4th volume of Niles's Register, pages 8, 9.

interior of the United States, there to abide the fate of the twenty-three imprisoned and sent to England by the British officers. In making the selection, he was careful not to include a single Irishman, in order that Irishmen might not be sacrificed for Irishmen. This step led, on both sides, to the confinement as hostages, of many other men and officers, all of whom were, of course, dependent for their lives on the fate of the original twenty-three.

In July, 1815, when peace had been some months concluded, and Scott (then a major-general) was passing along on the East River side of the city of New York, he was attracted by loud cheers and bustle on one of the piers. He approached the scene, and great was his delight to find, that it was the cheers of his old Irish friends, in whose behalf he had interfered at Quebec, and who had, that moment, landed in triumph, after a confinement of more than two years in English prisons! He was quickly recognised by them, hailed as their deliverer, and nearly crushed by their warm-hearted embraces! Twenty-one were present, two having died natural deaths.

Scott had not then recovered from the wounds he had received in the bloody battle of the Niagara, and was about to embark on a voyage to Europe. Yet, in conformity with the promises of friendship he had made these men, he found time to write to the departments at Washington, and solicit for them their patents for land bounties, and their long arrearages of pay. He was successful, and they were at length restored both to their adopted country and their promised rewards. Several of these brave sons of Ireland are yet alive, and can testify to the truth of this narrative. They, in common with hundreds of their countrymen taken prisoners in the same war, fighting the

battles of liberty, have good reason to believe that they owe their liberties, if not their lives, to the solicitations, spirit, and zeal, of Winfield Scott!<sup>1</sup>

The doctrine that allegiance was perpetual, and that, as a direct consequence, the born-citizens of Great Britain, who were taken in the army or navy of the United States in time of war against Great Britain, were traitors, was a settled doctrine of the British government. The doctrine, also, that they should be made examples of to deter others in similar circumstances, was the doctrine which they practised upon in the beginning of the war, notwithstanding the fact that they might be naturalized citizens of the United States. Examples of this practice were frequent. In the commencement of the war, (August or September, 1812,) the United States Brig of War Nautilus was captured. Six men of her crew were selected, as British subjects, and put in irons, to be sent to England and tried for their lives.<sup>2</sup> The fact being made known to Commodore Rodgers, he immediately took from a number of British prisoners, twelve of them, including a midshipman, as hostages. Five of the six seized by the British officers were found to be Americans, and were<sup>1</sup>

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<sup>1</sup> The number of those actually imprisoned by the British, as *hostages*, was very great, as may be seen in full, by consulting the American State Papers, vol. 3, from 630 to 690, under the heads, Great Britain, Naturalization. But this number was but a small part of those endangered, for the British held a vast number of our *impressed* seamen, and of *prisoners* taken in the war, of whom many were doubtless naturalized citizens. There were twelve hundred American prisoners confined at one time at Chatham. See 4 Niles's Register, 370. There were also several thousand Americans who had been impressed.

<sup>2</sup> 3 Niles's Register, 43

discharged. The sixth was soon after discharged, and the twelve hostages seized by Commodore Rodgers, were also released.<sup>1</sup>

In October following, (1812,) the American Privateer Sarah Ann, of Baltimore, was captured, and sent into New Providence. Captain Moon, in his letter of October 18th, 1812, states that six of his crew had been seized as British subjects, put in jail, and sent in the Brig Sappho to Jamaica to be tried.<sup>2</sup> One of these was a native of Ireland, naturalized in the United States. The others were said to be Americans.

About the same time a boatswain, and some of the crew of the United States Sloop of War Wasp, were detained at Bermuda on the charge of being British subjects.<sup>3</sup>

These repeated instances of the same conduct, justified on the same grounds, prove conclusively, that they were not casual acts of British officers, in the spirit of revenge, or the pride of power; but, at that time, the settled policy of the British government. The principles assumed in the American constitution, that our country would receive into its bosom the worthy exiles of all nations,<sup>4</sup> required the American government to defend them in the rights they had legally acquired. Accordingly, the affair of the *Sarah Ann*<sup>5</sup> was scarcely known at Washington, on the report of Captain Moon, when the subject of

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<sup>1</sup> 3 American State Papers, 633.

<sup>2</sup> 3 Niles's Register, 172.

<sup>3</sup> 3 Niles's Register, 220. These were detained on *suspicion* of being British subjects.

<sup>4</sup> Mansfield's Political Grammar, 69-71.

<sup>5</sup> 3 Niles's Register, 192, 208.

retaliation was introduced into both houses of Congress. The Senate's committee made no report. But in the House of Representatives, a bill authorizing acts of retaliation was introduced, by Mr. Wright, November 17th, 1812, and on the 19th rejected, by a vote of 61 to 51, on the ground that the President, as commander-in-chief of the army and navy, was already vested with retaliatory powers.<sup>1</sup>

Notwithstanding this rejection, Scott's letter to the secretary of war, of January 13th, 1813, followed up by his personal representations to members, induced Mr. Campbell of Tennessee, from the committee appointed on the 9th of November, 1812, to whom the subject was referred, to report, Feb. 12th, 1813, "A Bill vesting in the President of the United States the power of retaliation in certain cases therein specified." This bill passed the Senate on the 18th, (yeas 17, nays 4,<sup>2</sup>) and the House on the 27th, (yeas 56, nays 17,) and the President gave it his signature March 3d, 1813.

It was under this law, passed at the instance of Scott, that he, as adjutant-general, at the end of his day's operations, at Fort George, May 27th, 1813, selected the Englishmen, and sent them into the United States, as hostages for the imprisoned Irishmen.<sup>3</sup>

Here let the fact be noted that, although other American soldiers, also born in the British dominions, were subsequently made prisoners of war, not another one was set apart by the enemy, to be tried for treason, during the remainder of the war. This was the result of a firm determination to execute prisoner for prisoner. The severity

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<sup>1</sup> 3 Niles's Register, 208.

<sup>2</sup> Idem, 406.

<sup>3</sup> See General Dearborn's Letter, 4th vol. Niles's Register.

of justice is sometimes favorable to peace and humanity. This same policy of retaliation was reluctantly but firmly adopted by General Washington, in the Revolution, and with equally happy effects.

From August, 1812, when the first imprisonment of American naturalized citizens (British-born) took place, to the campaign of 1814, in the north, where the tide of war on land turned in favor of America, a succession of *hostages* was selected, and a discussion on the legal points involved was maintained, between the authorities of Great Britain and the United States. It is interesting to refer to the claims of England at that time, and the defence of them by some persons in America, if it were only to contrast them with the very different acts and opinions upon the same subject, at the present time, both in Europe and America. In a collection of American state papers,<sup>1</sup> may be found a correspondence, of which the following is a part.

*Earl Bathurst to Sir George Prevost.*

Downing Street, August 12th, 1813.

Sir—

I have had the honor of receiving your dispatch No. 66, of the 6th of June, enclosing a letter addressed to your excellency by Major-General Dearborn. In this letter it is stated, that the American commissary of prisoners in London, had made it known to his government,

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<sup>1</sup> American State Papers, selected and published under the authority of Congress, by committees of both houses. The letter of Earl Bathurst will be found in vol. iii. pages 640–1.

All the official documents connected with this subject will be found in the State Papers, vol. iii. pages 630–692.

that twenty-three soldiers of the 1st, 6th, and 13th regiments of United States infantry, made prisoners, had been sent to England, and held in close confinement as British subjects ; and that Major-General Dearborn had received instructions from his government to put into close confinement twenty-three British soldiers, to be kept as hostages for the safe-keeping and restoration, in exchange, of the soldiers of the United States who had been sent, as above stated, to England ; and General Dearborn apprizes you that, in obedience to these instructions, he had put twenty-three British soldiers in close confinement, to be kept as hostages.

The persons referred to in this letter were soldiers serving in the American army, taken prisoners at Queenstown, and sent home by you, that they might be disposed of according to the pleasure of His Royal Highness the Prince Regent, they having declared themselves to be British-born subjects. Your excellency has been directed to send home the necessary evidence upon this point, and they are held in custody to undergo a legal trial.

You will lose no time in communicating to Major-General Dearborn, that you have transmitted home a copy of his letter to you, and that you are, in consequence, instructed distinctly to state to him, that you have received the commands of His Royal Highness the Prince Regent, forthwith to put in close confinement forty-six American officers and non-commissioned officers, to be held as hostages for the safe-keeping of the twenty-three British soldiers stated to have been put in close confinement by order of the American government ; and you will at the same time apprise him, that if any of the said British soldiers shall suffer death by reason that the

soldiers now under confinement here have been found guilty, and that the known law, not only of Great Britain, but of every independent state under like circumstances, has been in consequence executed, you have been instructed to select out of the American officers and non-commissioned officers whom you shall have put into close confinement, as many as may double the number of British soldiers who shall so unwarrantably have been put to death, and cause such officers and non-commissioned officers to suffer death immediately.

And you are further instructed to notify to Major-General Dearborn, that the commanders of His Majesty's fleets and armies on the coasts of America, have received instructions to prosecute the war with unmitigated severity against all cities, towns, and villages, belonging to the United States, and against the inhabitants thereof, if, after this communication shall have been duly made to Major-General Dearborn, and a reasonable time given for its being transmitted to the American government, that government shall unhappily not be deterred from putting to death any of the soldiers who now are, or who may hereafter be, kept as hostages, for the purposes stated in the letter from Major-General Dearborn.

I have the honor to be,  
BATHURST.

The threats contained in this letter were never executed. The British government, either from motives of humanity, from a conviction of error, or from the knowledge that it had no power to carry such principles into effect, retreated, in practice if not in theory, from the bold ground they had assumed ; and have never again returned to it.

The principle on which Lord Bathurst founded his instructions, was one which, if allowed full force, would have swept the American republic from existence. It was, that the execution of these Irishmen, naturalized in the United States, was required by the "known law not only of Great Britain, but of every independent state under similar circumstances." What principle peculiar to the American republic was not contrary to the "known law," not only of Great Britain, but of other "independent states" of Europe? The Constitution of the United States was, in many of its most important features, contrary to all precedents in the governments of Europe, Asia, or Africa. The little fragments of republics which claim an independent existence in Europe, whether the San Marino of the Apennines or the free cities of Germany, cannot be deemed independent states, any longer than it may suit the interest or policy of the powerful empires which surround them.

The recognition of political rights in the body of the people; the principle that those rights could not be impaired by any act of the government; and the elective chief magistracy, were all contrary to the "known law," not only of Great Britain, but of other independent states of Europe. If the fact of this opposition of laws could confer a right to execute a naturalized citizen of the United States, might it not as reasonably and righteously authorize the punishment of an American citizen, for sustaining an elective president in opposition to an hereditary monarch?

Precedents which concern the rights of property, and are made venerable by age, are held in a just reverence and regard by the opinions of mankind, because they are

then within the proper sphere of their origin and their influence. But, had the American people searched among the records of nations for a precedent on which to form their government, they had searched in vain. The world had no such precedent. The world had no mould in which to form such a republic, and it had no principles to apply to it when formed. There were no governments whose practices were not contrary to the principles of the United States, and no people who did not profess to venerate and obey other principles of legislation, other modes of procedure, and other foundations of right. Had, then, the United States, in this controversy, conceded the justice of the English principle, as laid down by Lord Bathurst, or failed to defend their own, they would only have left to posterity the duty of defending by other wars, in other ages, the liberties of America.

Such, however, was happily not the case. Notwithstanding the success which then attended the allied arms in Europe, and therefore gave a tone of superiority to the claims of the British ministry, the American government yielded nothing of what it deemed the rights of American citizens, nor failed to defend them by any constitutional means within its power.

The instructions of Lord Bathurst were promptly obeyed by Sir George Prevost, with whom had originated the barbarian idea of hanging the twenty-three captured Irishmen for treason. The President of the United States, Mr. Madison, was neither alarmed by this fact, nor by the threat of the British secretary, that the war should be prosecuted with "unmitigated severity," against the "cities, towns, and villages, belonging to the United States, and against the inhabitants thereof." He directed

that forty-six British *officers* should be instantly set apart as hostages, for the safety and restoration of our “forty-six officers and non-commissioned officers” designated by Lord Bathurst.

The new hostages were partly selected from Scott’s captures, and partly from the prisoners taken by General Harrison at the battle of the Thames. Some other imprisonments were made on both sides, in the following winter. In the campaign of 1814, however, the American arms were crowned with such brilliant success, that Great Britain had little of either power or inclination to pursue the war of retaliation on American prisoners. In fact, it ceased. The prisoners were not executed; and the claims of Great Britain on that subject, were silently left to neglect and oblivion.

In the mean time, a discussion of this question went on among the people, and in the Congress of the United States. While the American principle was ably defended on one hand, it was also vehemently attacked on the other.

The secretary of state, Mr. Monroe, made a report to the President, dated April 14th, 1814.<sup>1</sup> It was laid before the President two days later, accompanied by various documents illustrating the conduct of the belligerents towards their respective prisoners. In that document, it is said :

“The contrast which these documents present, in the pretensions and conduct of Great Britain, with the pretensions and conduct of the United States, cannot fail to make a deep impression in favor of the latter. The British government impresses into its navy native citizens of

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<sup>1</sup> 3 American State Papers, 630

the United States, and compels them to serve in it, and, in many instances, even to fight against their country, while it arrests as traitors, and menaces with death, persons suspected to be native British subjects, for having fought under our standard against British forces, although they had voluntarily entered into our army, after having emigrated to the United States and incorporated themselves into the American Society. The United States, on the other hand, have forced no persons into their service, nor have they sought, nor are they disposed, to punish any who, after having freely emigrated to any part of the British dominions, and settled there, may have entered voluntarily into the British army.

\* \* \* “Although examples may be found of the punishment of their native subjects taken in arms against them, the examples are few, and have either been marked by peculiar circumstances, taking them out of the controverted principle, or have proceeded from the passions or policy of the occasion. Even in prosecutions and convictions having the latter origin, the final act of punishment has, with little exception, been prevented by a sense of equity and humanity, or a dread of retaliation. It is confidently believed, that no instance can be found, in which the alleged purposes of the enemy against the twenty-three prisoners in question, under all the circumstances which belong to their case, even should any of them not have been regularly naturalized, are countenanced by the proceedings of any European nation.

“That if no instances occur of retaliation in the few cases requiring it, or in any of them, by the government employing such persons, it has been, as is presumable, because the punishment which had been inflicted by the

native country might be accounted for on some principle other than the denial of the right of emigration and naturalization. Had the government employing the persons so punished by their native country, retaliated in such cases, it might have incurred the reproach, either of countenancing acknowledged crimes, or of following the example of the other party in acts of cruelty, exciting horror, rather than of fulfilling its pledge to innocent persons in support of rights fairly obtained, and sanctioned by the general opinion and practice of all the nations of Europe, ancient and modern."

In regard to the personal rights of the imprisoned Irishmen, and their claim for defence on the government of the United States, the acts of Congress regulating the army are supposed to furnish another argument, not mentioned by Mr. Monroe. The original act of Congress regulating the recruiting service,<sup>1</sup> required that none but "able-bodied citizens" should be enlisted. But on the approach of war, (Jan. 11th, 1812,) Congress designedly changed this to "able-bodied men,"<sup>2</sup> according to the usual practice in recruiting *war-establishments*. This act of Congress was, in some measure, an invitation to foreigners to join our standard, and therefore created an obligation on the part of the government to defend those who had accepted its offers. The twenty-three men in question had bravely and faithfully performed their parts of the contract. The United States, therefore, were, in good faith, bound to perform theirs.

A different view of this subject, and its relations to the national law of the United States, and their intercourse

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<sup>1</sup> Laws of the United States.

<sup>2</sup> Idem.

with foreign nations, was, however, taken, by some citizens of ability and distinction.

They appealed to what Lord Bathurst called the “known law of Great Britain,” and considered the doctrines of the United States but as new theories, entitled to but little weight, when opposed to the British precedents, which sustained the principle of perpetual allegiance. At the moment when this great question was debated, both by arms and by negotiation, between the contending belligerents, on either side of the Atlantic, it was also discussed in the House of Representatives.

The Hon. Mr. Hanson,<sup>1</sup> in a speech made Feb. 14th, 1814, took this ground, in opposition to a bill authorizing a loan of twenty-five millions of dollars, to carry on the war. The general object of that opposition was, by stopping the supplies, to force the United States into a peace with Great Britain. He pronounced “the impressment of British seamen from American merchant vessels,” to have become “the vital point” in contest, as it respected the supporters of the war.

He said—

“Mr. Chairman—upon this question of impressment, allegiance, protection, and naturalization, which has been connected with it, gentlemen here may fret, rail, and argue, until doomsday. They may set up new-fangled doctrines, and deny old and established principles, but as far as depends on the opinions of the ablest jurists, and the practice of the oldest regular governments, the point in controversy is long ago settled. It is immutably determined

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<sup>1</sup> Carpenter's Select American Speeches, vol. 2, pp. 425–431.

[Here he quoted “the fundamental maxim of the law of England”—“perpetual allegiance”—“once a subject, always a subject,” &c.]

“Now, sir,” continued Mr. Hanson, “I am prepared to go a step further than has been deemed necessary from the actual case presented to our consideration. I say, that an Englishman, naturalized or not by our laws, if found in arms against his native country, is a *traitor* by the laws of his native country. I do not confine the position to British subjects naturalized here, and made captives within the dominions of their sovereign, where the arm of protection cannot be extended; but, if the armies of the enemy crossed the line, and invaded us in turn, and made prisoner a Briton found in arms against Britain, he is as much a traitor as if taken a prisoner in the heart of the British empire.

“Such men are *traitors* in the legal, true sense of the word, and ought to be treated as such. The good of society and the safety of government require it. If, to protect them, we resort to a bloody, ferocious, exterminating system of retaliation, we shed the innocent blood of our own countrymen.

“I say, then, without reserve, if the President proceeds in the ruthless, bloody business he has commenced, he is answerable, here and hereafter, for all the American lives wantonly sacrificed. Posterity will pronounce him guilty, and heap maledictions upon his name.

\* \* \* “When the party contests of the day are forgotten; when the passions engendered by political strife have subsided; when reason shall resume her throne, and the present generation is swept into the silent tomb, those who live after us will pronounce a judgment

upon the chief actors in this tragedy of blood and murder."<sup>1</sup>

Mr. Burke has said in one of his eloquent productions,<sup>2</sup> that no one was ever known to call up the spirits of the dead, but he was answered with the denunciation of evil upon himself. With equal truth it may be said of those who appeal to posterity for a verdict against their country. Thirty-three years, the average period of a generation, have passed away, since this speech was made. The larger part of those who then lived have been "swept to the silent tomb." The multitudes of advancing posterity already begin to fill up the wide-extended, but then un-peopled regions<sup>3</sup> of that country, whose rights and glory were then at issue on the field of arms. Reason is free to judge who combated for principle and who for dominion. Where is the American who would now yield any of the objects then contended for? Where is the nation which now affirms against the United States, the doctrines then assumed by Great Britain?

Measures of apparent severity often accomplish the objects of mercy. SCOTT, who was the originator and one of "the chief actors in this tragedy of blood and murder," saw the war close without the execution of one native citizen in British hands, while the lives of many adopted

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<sup>1</sup> The tragedy of blood and murder was a very peaceful transaction. There were hardships endured, however, by prisoners in the jails of Great Britain. See American State Papers, 3d volume, from 630 to 692.

<sup>2</sup> Burke's Letter to the Earl of Lauderdale. His allusion is to Saul calling up the spirit of the prophet Samuel, by the witch of Endor, and who is answered by the prediction of his own death.

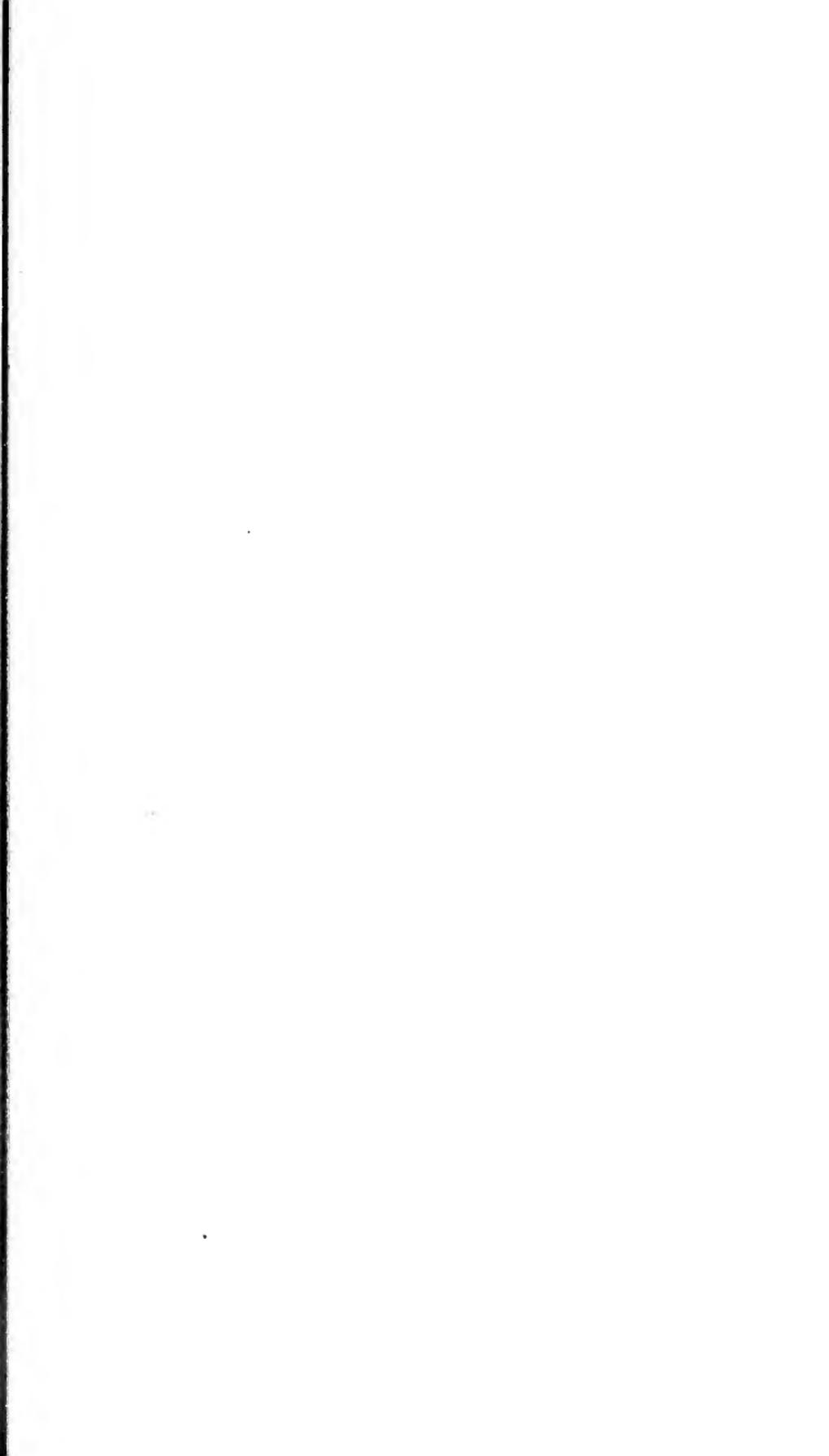
<sup>3</sup> The population of the United States was then eight millions. It is now twenty millions!

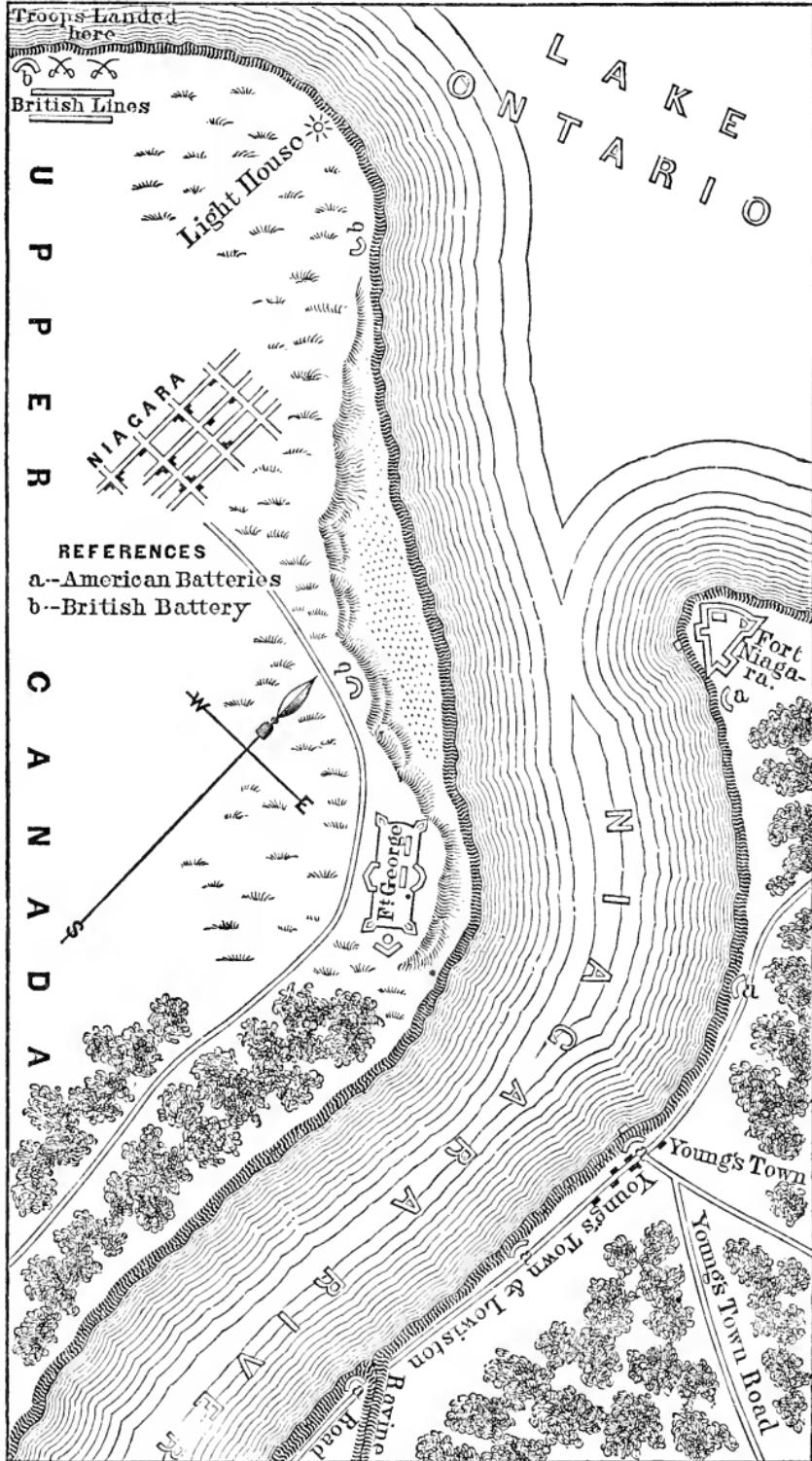
citizens, taken prisoners in fighting the battles of our country, were, by his firmness, saved from an ignominious death. Thus were the prophecies of evil averted, the rights of the nation vindicated, and the moral power of a victorious principle added to the lustre of glorious arms. Nor were these its only fruits. When some cold skeptic, unmoved by the virtue of patriotism, shall inquire, what was gained by that war? let him be answered, that it defended the rights of the sailor on the ocean,<sup>1</sup> and of the citizen on the land. Let him be referred, in the history of these events, to the contempt they then suffered, and to the usurpations they have now escaped.

It has been gravely said, that the treaty of peace was silent on the rights contended for, and therefore the war was without effect. They who make this objection have forgotten, that silence is often the most expressive of language. Thirty years have elapsed, and the *acts* of Great Britain, and other European nations, are as *silent* and as inoffensive as the treaty. They have practically interpreted its meaning. They have ceased from their aggressions, and permitted their insulting claims to pass silently and peacefully into oblivion. From that bourne there can be no return. We might as well expect to see the ghosts of departed warriors resume their armor and renew their battle-fields, as to see these departed claims of Great Britain, against American sailors and American citizens, again become a cause of war, or the subject of any reasonable discussion. They have taken their place among buried abuses.

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<sup>1</sup> British impressment of American seamen was founded on the same pretence—a born subject must live and die a subject.





## CHAPTER VI.

1813

Capture of York and Death of Pike.—Scott joins the Army as Adjutant-General—Battle and Capture of Fort George.—Pursuit of the enemy.—Anecdote.—Scott's Magnanimity.

WITH the battle of Queenstown closed Scott's military operations in 1812, on the northern frontier. From Niagara he was sent to Quebec, where occurred the scene, already described, with the captured Irishmen. Thence he went in a cartel ship to Boston, and in January, 1813, was exchanged. His first duties were performed at Washington, in pressing upon Congress the law of retaliation, and the vindication of American citizenship. His next were to revisit the banks of the Niagara, and there, in fresh actions of courage and achievement, give renewed evidence of devotion to country, and of martial enthusiasm.

The campaign of 1813 opened with one of the most brilliant actions of the war. It was the capture of York, the capital of Upper Canada, by the American troops under the command of General Dearborn. The army was landed from the squadron of Commodore Chauncey, and the assailing party was led by Pike. The place was captured, with a large number of prisoners, and the British naval *matériel*, there collected, destroyed.<sup>1</sup> At the moment

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<sup>1</sup> See Letter of General Dearborn to the Secretary of War; and the Letter of Commodore Chauncey to the Secretary of the Navy; Niles's Register, 4th volume, page 178.

of success a magazine exploded, and Pike was killed by the fall of a stone. He died, like Wolfe, in the arms of victory, and the tears of grief and joy were mingling together at the story of the battle, which was won, and of the hero who died.<sup>1</sup>

It was just after this event, that Colonel Scott joined the army at Fort Niagara. He joined in the capacity of Adjutant-General, (chief of the staff,) under the command of Major-General Dearborn. Though thus engaged in staff duties, he insisted upon the right, and it was conceded, of commanding his own regiment on extraordinary occasions. The principal staff-officers were then new to the army, and upon Scott devolved the duty of organizing the details of the several departments, which he did to the satisfaction of both army and commander.

On the British side of the Niagara was a peninsula, of which Fort George was the defence. This position General Dearborn determined to carry. He was then at the head of four or five thousand men, and was co-operated with by Commodore Chauncey and his naval force. Arrangements were made for an attack on the morning of the 27th of May. At 3 A. M. the fleet weighed anchor, and before four, the troops were all on board the boats.<sup>2</sup>

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<sup>1</sup> A letter of General Pike, written to his father, then living near Cincinnati, was characteristic and prophetic. He writes thus:—

“ I embark to-morrow in the fleet, at Sacketts Harbor, at the head of a column of 1500 choice troops, on a secret expedition. \* \* \* \* \* Should I be the happy mortal destined to turn the scale of war, will you not rejoice, Oh ! my father ? May heaven be propitious, and smile on the cause of my country. But if we are destined to fall, may my fall be like Wolfe’s—to sleep in the arms of victory.” The wish was fulfilled.

<sup>2</sup> See Commodore Chauncey’s Letter to the Secretary of the Navy 4 Niles’s Register, 240.

The embarkation was made three miles east of our Fort Niagara. It was made in six divisions of boats. In the first was Colonel Scott, who led the advanced guard, or forlorn hope, a service to which he had specially volunteered. In the second was Colonel Moses Porter, with the field train. Then followed the brigades of Generals Boyd, Winder, Chandler, and a reserve under Col. A. Macomb.

In the mean time, Commodore Chauncey had directed his schooners to anchor close in shore, so near as to cover the landing of the troops, and scour by their fire the woods and plain wherever the enemy might make his appearance.<sup>1</sup> Captain Perry, a friend of Scott's, had joined Commodore Chauncey, from Erie, on the evening of the 25th, and gallantly volunteered his services in superintending the debarkation of the troops.<sup>2</sup> It was an operation of nicety, in consequence of the wind, the current, a heavy surf, and the early commenced fire of the enemy. He was present wherever he could be useful, under showers of musketry.<sup>3</sup> He accompanied the advanced guard through the surf, and rendered special services, of which General Scott has since spoken in the highest terms of commendation. It was the budding forth of that professional skill, and that brave and generous conduct, which soon bloomed out in the glory which now surrounds the name of the hero of Lake Erie.

Col. Scott effected his landing, on the British shore of Lake Ontario, at nine o'clock in the morning, in good order, at half a mile from the village of Newark, now

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<sup>1</sup> See Commodore Chauncey's Letter to the Secretary of the Navy  
4 Niles's Register, 240.

<sup>2</sup> Idem.

<sup>3</sup> Idem.

Niagara, and the same distance west of the mouth of the river. He formed his line on the beach, covered by an irregular bank, which served as a partial shield against the enemy's fire. This bank, which was from seven to twelve feet in height, he had to scale against the bayonets of the foe, who had drawn up his force, some fifteen hundred men, immediately on its brow. In the first attempt to ascend, the enemy pushed back the assailants. General Dearborn, who was still in the commodore's ship, seeing with his glass Scott fall backward upon the beach, burst into tears, exclaiming, "He is lost! He is killed!" Scott's fall was, however, momentary. Recovering himself, and rallying his men, he reascended the bank, knocking up the enemy's bayonets, and took a position at the edge of a ravine,<sup>1</sup> a little way in advance. A sharp action of about twenty minutes in length ensued. It was short and desperate, ending in the total rout of the enemy at every point.

Meanwhile, Porter with his artillery, and Boyd with a part of his brigade, had landed in the rear of the advance guard, and slightly participated in the close of the action. Scott pursued the rout as far as the village, where he was joined by the 6th regiment of infantry, under the command of Colonel James Miller.

As the column was passing Fort George, in pursuit, Scott learned from some prisoners caught running out, that the garrison were about to abandon and blow up the place. Two companies were instantly dispatched from the head of his column to save the work, its guns, and

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See Chauncey's official account, which mentions the concealment of the enemy in the same ravine, 4 Niles, 240.

stores. At the distance of some eighty paces from the fort, one of its magazines exploded. Scott was struck with a piece of timber, thrown from his horse, and much hurt. He nevertheless caused the gate to be forced, and was the first to enter. With his own hand he took down the British flag, then waving over the works. Being reminded by his prisoners of the danger he incurred from explosion, he directed Captains Hindman and Stockton<sup>1</sup> to snatch away the matches, which had been applied by the retreating garrison to two other small magazines. The fort had been rendered untenable by the American batteries on the opposite shore,<sup>2</sup> and its capture was but the work of a few minutes. This accomplished, Scott remounted, and was soon at the head of his column, in hot pursuit. This pursuit was continued for five miles,<sup>3</sup> until, at length, he was recalled by General Boyd in person. He had already disregarded two successive orders<sup>4</sup> to the same effect, sent by General Lewis, saying to the aids-de-camp who came to him, (one of them Lieutenant, now General, Worth, and the other Major Vandeventer,) "Your General does not know that I have the enemy within my power; in seventy minutes, I shall capture his whole force."

In point of fact, Scott was already in the midst of the British stragglers, with their main body full in sight. He would not have been overtaken by Boyd, but that he had waited fifteen minutes for Colonel Burn, his senior officer, who had consented to serve under him. This last colonel

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<sup>1</sup> The first of these officers died a colonel, and the second (Stockton) is now Governor of Delaware.

<sup>2</sup> Dearborn's Report to the Secretary of War.

<sup>3</sup> Armstrong's Notices of the War.

<sup>4</sup> Idem.

had just crossed the river from the Five-Mile Meadow, in the rear of the main body of the enemy, with one troop of horse, and was then waiting the landing of another now more than half way over. This force constituted the precise additional force which was wanted by Scott to make good the assurances he had sent to General Lewis. With the recall of Scott from the pursuit of the enemy ended the battle and capture of Fort George. The American loss was less than that of the enemy,<sup>1</sup> and one of the objects set forth in the plan of the campaign was decidedly accomplished.<sup>2</sup>

This engagement was not without some incidents, which may serve to illustrate both the character of Scott, and the gallantry of the American army. Scott, as we have narrated, had turned from the head of his column to enter Fort George, and seize the British flag. Just behind him was Colonel Moses Porter, of the artillery. On entering the fort, and finding Scott there, Porter said, "Confound your long legs, Scott, you have got in before me."

After the capture of Scott, the year before, at Queenstown, he was supping with General Sheaffe, and a number of British officers, when one of them, a colonel, asked him if he had ever seen the neighboring Falls. Scott replied, "Yes, from the American side." To this the other sarcastically replied, "You must have the glory of a *successful fight* before you can view the cataract in all its grandeur," meaning from the Canada shore. Scott re-

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<sup>1</sup> According to General Dearborn's Letter to the Secretary at War, the American loss was 17 killed and 45 wounded; British loss, 90 killed, 160 wounded, and 100 prisoners—4 Niles, 239.

<sup>2</sup> Armstrong's Notices, vol. 1, Appendix.

joined, "If it be your intention to insult me, sir, honor should have prompted you first to return me my sword!" General Sheaffe promptly rebuked the British colonel, and the matter was dropped.

At the battle of Fort George, among the earliest prisoners taken by the Americans was the same British colonel, badly wounded. Scott politely borrowed the prisoner's horse, not being able to bring his own in the boats, and gave orders that the prisoner should be treated with all possible attention and kindness. That evening, after the pursuit, and as often as subsequent events permitted, Scott called on the British colonel. He returned him the horse, and carefully provided for all his wants. Indeed, he obtained permission for him to return to England on his parole, at a time when the belligerents had begun to refuse such favors, as well as all exchanges. At the first of these visits the prisoner delicately remarked, "I have long owed you an apology, sir. You have overwhelmed me with kindnesses. You can now, at your leisure, view the Falls in all their glory."

It is such acts of magnanimity as these which reflect honor on human nature. Were they more frequent, the rough brow of war would be smoothed to smiles, and the field of battle be as remarkable for the beautiful in character as for the glorious in action.

## CHAPTER VII.

1813.

British attack on Sacketts Harbor.—Capture of Chandler and Winder.—Surrender of Boerstler.—Scott's Promotion.—Plan of the Campaign.—Scott at Fort George.—His departure for the St. Lawrence.—He commands the advance in the descent of the St. Lawrence.—Retreat of the army.—Reflections on the Campaign.

Two days after the capture of Fort George by the American forces, a body of British troops,<sup>1</sup> under the command of Sir George Prevost, (Governor-General of Canada,) landed at Sacketts Harbor, N. Y., for the purpose of destroying the naval stores there collected, and the new ship General Pike, then on the stocks.<sup>2</sup> They were fortunately delayed in crossing the lake, by baffling winds, till a body of militia could be collected to reinforce the small regular force there stationed. This corps was commanded by a leader alike sagacious and intrepid, who, like Cincinnatus, was found at the plough.<sup>3</sup> This leader was General Jacob Brown, who soon disposed of his troops to the best advantage, and in the action which ensued, drove the enemy back to their ships, thus saving the port and the stores.<sup>4</sup>

To the successful actions of York, of Fort George, and of Sacketts Harbor, there were soon added others of a less fortunate result, and a less pleasant hue. On the 6th

<sup>1</sup> About 900 men. See Brown's Letter, 4 Niles, 241.

<sup>2</sup> Bayne's Official Report. See Armstrong's Notices, 143.

<sup>3</sup> Armstrong's Notices.

<sup>4</sup> Brown's Report.

of June, a small brigade<sup>1</sup> of American troops, under the command of General Winder, had been thrown forward to Stony Creek, and there reinforced by another corps under Chandler. Their object was the pursuit and capture of the British corps who had retreated from Fort George, under the command of Vincent. This officer thought it better to risk a battle than to give up his position. He preferred also to make the attack. Accordingly, on the morning of the 6th, by night, a British column was pushed into the centre of the American line, which Vincent had discovered to be weakened by extension, and liable to surprise, by the negligence of camp guards.<sup>2</sup> The attack succeeded so far as to break the American line, and by a strange misfortune, both of the American generals, Winder and Chandler, fell into the hands of the British. The enemy was at length repelled, but the army being without an experienced commander, retreated by the advice of a council of war.<sup>3</sup>

A few days after this adventure, another incident still more disastrous occurred. Colonel Boerstler had been detached, with a corps of six hundred men, to take the British post called the Stone House, two miles beyond the Beaver Dams, and seventeen from Fort George. The British force was larger than was supposed. Boerstler was suffered to advance without annoyance, till at length he was surrounded and compelled to surrender on the 24th of June.<sup>4</sup>

During this time, and for more than three months, the

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<sup>1</sup> About 800 men.—Armstrong's Notices.

<sup>2</sup> Armstrong's Notices.

<sup>3</sup> Idem.

<sup>4</sup> Boerstler's Letter, 4 Niles's Register, 353.

main body of the army remained for the most part inactive, and intrenched at Fort George, under the command successively of Generals Dearborn, Lewis, Boyd, and Wilkinson. Colonel Scott was in neither of the engagements above narrated. His duty was in foraging at least twice a week, and in other camp duties. In these excursions, repeated skirmishes with small parties of the enemy occurred. Not a load of forage was cut between the hostile camps without a sharp combat, and he never lost one. In these affairs he displayed his usual tact and gallantry, though they afforded no other opportunities of distinction than those which belong to an active and successful partisan officer.

In July of the same year, (1813,) Col. Scott was promoted to the command of a double regiment, (20 companies,) at which time he resigned the office of Adjutant-General, as it no longer conferred additional rank. In September an expedition was proposed against Burlington Heights, at the head of Lake Ontario, reported to be the depot of a large quantity of provisions and other British stores. In this expedition he volunteered to command the land troops, and was taken on board the fleet by Commodore Chauncey. Burlington Heights were visited, but neither enemy nor stores were found there. On the return, it was determined to make a descent upon York, (now Toronto.) Accordingly, a landing of the soldiers and marines was effected, under the command of Colonel Scott. The barracks and public storehouses were burnt. Large depots of provisions and clothing were taken, together with eleven armed boats, and a considerable quantity of ammunition, and several pieces of cannon.<sup>1</sup>

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<sup>1</sup> 4 Niles's Register, 387.

At the close of this summer a plan of campaign<sup>1</sup> was devised, having for its first object Kingston, and then Montreal. Kingston was deemed the most important British post on the Lakes, and Montreal was the chief trading town of Lower Canada. Had this plan been successfully carried out, it must have resulted in the substantial conquest of both the Canadas. Canada West would have been cut off from its military supplies, and the fall of Montreal would have determined the possession of Lower Canada, with the exception of Quebec.<sup>2</sup>

To accomplish this plan of the campaign, the troops under General Wilkinson were ordered to concentrate at Sacketts Harbor, in the early part of October.<sup>3</sup> With him was ordered to co-operate the division of Major-General Hampton, from the Chateauguè River, in Northern New York. Accordingly, Wilkinson embarked with the Niagara army on the 2d of October. In accordance with the same plan, Fort George was retained and garrisoned. Col. Scott was left as its commander, having between seven and eight hundred regulars, and a part of Col. Swift's regiment of militia, to complete and defend Fort George—the key of the peninsula. This work the Americans, after its capture, undertook to enlarge and reconstruct. A new *tracè* was made by Captain (now Colonel) Totten, of the engineers, but was by no means filled out when Wilkinson sailed in Chauncey's fleet. One of the faces of the work remained open. There was consequently no impediment on that side between the American and the British army. This fort had been taken, as we have said, by

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<sup>1</sup> Plan of the Campaign—Appendix to Armstrong's Notices.

<sup>2</sup> Armstrong's Plan of the Campaign.

<sup>3</sup> Idem.

Scott himself, the British colors being taken down by his own hands. He was, therefore, proud of the capture, and determined to defend it as the post of honor. He lost not a moment nor an effort in completing the defences of the fort. Expecting an assault at any moment, all hands, including the commander, worked night and day. A week accomplished much, at the end of which, (October 9th,) the enemy, contrary to all expectations, broke up his camp and followed Wilkinson down the country.

This event had been anticipated, but was supposed to be a distant contingency. On the happening of it, Col. Scott was authorized, by his instructions, to place Fort George under the command of Brigadier-General McClure, of the New York militia, who then commanded on the American side of the Niagara. He was then, with the regulars, to overtake and join Wilkinson in time for his intended conquests on the St. Lawrence. For this purpose it was promised that the fleet should be sent up to receive the regular garrison at the mouth of the Niagara.

Two official reports of Col. Scott, at this time, will show the operations of the corps under his command, and his movement from Fort George.

*From Colonel Winfield Scott, of the 2d artillery, to Major-General Wilkinson.*

FORT GEORGE, Oct. 11th, 1813.

“Within the last five minutes I have had the honor to receive your dispatch by the Lady of the Lake, Captain Mix.

The enemy has treated me with neglect. He continued in his old position until Saturday last, (the 9th inst.,) when he took up his retreat on Burlington Heights, and

*has abandoned the whole peninsula.* Two causes are assigned for this precipitate movement—the succor of Proctor, who is reported to be entirely defeated, if not taken; the other, the safety of Kingston, endangered by your movement.

We have had from the enemy many deserters, most of whom concur in the latter supposition.

The British burnt every thing in store in this neighborhood ;—three thousand blankets, many hundred stand of arms ; also the blankets in the men's packs, and every article of clothing not in actual use.

They are supposed to have reached Burlington Heights last evening, from the rate of their march the night before. I have information of their having passed ‘the 40’<sup>1</sup> by several inhabitants who have come down. They add to what was stated by the deserters, that two officers of the 41st had joined General Vincent from Proctor’s army, with information that Proctor was defeated eighteen miles this side of Malden. I cannot get particulars.

From the same sources of intelligence it appears, that the 49th, a part of the 100th, and the Voltigeurs, moved from this neighborhood the day after our flotilla left this, the 3d inst. ; but with what destination is not certainly known.

It was first reported (I mean in the British camp) that these regiments had marched to support Proctor, who, it is said, wrote that he would be compelled to surrender, if not supported.<sup>2</sup>

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<sup>1</sup> Forty Mile Creek—that distance from Niagara.

<sup>2</sup> Proctor was defeated, and the British and Indian force in the northwest routed, on the 5th of October, 1813.

The rumor which Scott speaks of was six days after the event, and

I am pretty sure, however, that they are gone below. The movement of our army below seems to have been known in the British lines as early as the 3d inst., together with the immediate objects in view: hence, I have no difficulty in concluding, that all the movements of the enemy will concentrate at Kingston.

\* \* \* \* I had made this morning an arrangement, on application to General McClure to be relieved in the command of this post, on the morning of the 13th inst., with an intention of taking up my line of march for Sacketts Harbor, according to the discretion allowed me in the instructions I had the honor to receive from you at this place. My situation has become truly insupportable, without the possibility of an attack at this post, and without the possibility of reaching you time enough to share in the glory of impending operations below. I am nevertheless flattered with the assurance that transports will be forwarded for my removal; and to favor that impression, I propose taking up my line of march on the morning of the 13th for the mouth of Genesee River, and there await the arrival of the vessels you are good enough to promise me. By this movement Captain Mix thinks with me, that I shall hasten my arrival at Sacketts Harbor five, possibly ten, days. Captain Camp<sup>1</sup> (the quartermaster) has a sufficient number of wagons to take me thither. I can easily make that place by the evening of the 15th. I hope I shall have your approbation, and

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was no doubt brought in either by officers or Indians from the defeated army.

<sup>1</sup> Col. J. G. Camp, (now marshal of Florida,) a distinguished officer in the campaign of 1814, on the Niagara.

every thing is arranged with Brigadier McClure. \* \* \* \* \* I have, by working night and day, greatly improved the defences of this post, and nearly filled up the idea of the engineer. I flatter myself that I have also improved the garrison in discipline." \* \* \* \*

At the close of December, 1813, after Wilkinson's campaign on the St. Lawrence was ended, Colonel Scott was three days in Washington, when he addressed a letter to the Secretary of War, of which the following extracts relate to his march from Fort George :

*Extracts of a Letter from Colonel Winfield Scott to the  
Secretary of War.*

GEORGETOWN, December 31, 1813.

" At your desire, I have the honor to make the following report :—I left Fort George, on the 13th of October last, by order of Major-General Wilkinson, with the whole of the regular troop of the garrison, and was relieved by Brigadier-General McClure, with a body of the New York detached militia.

Fort George, as a field-work, might be considered as complete at that period. It was garnished with ten pieces of artillery, (which number might easily have been increased from the spare ordnance of the opposite fort,) and with an ample supply of field ammunition, &c., as the enclosed receipt for those articles will exhibit.

Fort Niagara, on the 14th of October, was under the immediate command of Captain Leonard of the 1st artillery, who, besides his own company, had Captain Read's of the same regiment, together with such of General McClure's brigade as had refused to cross the river.

Lieutenant-Colonels Fleming, Bloom, and Dobbins, of the militia, had successively been in command of this fort, by order of the Brigadier-General, but I think neither of these was present at the above period. Major-General Wilkinson, in his order to me for the removal of the regular troops on that frontier, excepted the two companies of the 1st artillery, then at Fort Niagara. And under the supposition that I should meet water transportation for my detachment at the mouth of Genesee River, I had his orders to take with me the whole of the convalescents left in the different hospitals by the regiments which had accompanied him. This order I complied with."<sup>1</sup>

It will be observed from the above documents, that Scott expected to embark at the mouth of Genesee River, where Wilkinson was to provide means for his embarkation. On his arrival at that place, the same dispatch-vessel, the Lady of the Lake, again came to Colonel Scott with letters, informing him that Commodore Chauncey was indeed ready to redeem his part of the promise, and desirous of meeting him there; but that General Wilkinson solemnly protested against the absence of the fleet, even for four days, and hence Scott had no alternative but a long march upon Sacketts Harbor, by the way of Rochester,<sup>2</sup> Canandaigua, and Utica. It rained incessantly, and the roads, at that time nowhere good, were never worse. North of Utica, Scott met General Armstrong, then Secretary of War, who per-

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<sup>1</sup> American State Papers—Military Affairs, vol. i. pp. 482–3.

<sup>2</sup> The city of Rochester had then no existence. It has grown up since the war.

mitted him to leave his column under the command of Major Hindman, the next in rank, and singly to join the army on the St. Lawrence, at whatever point he could. This he accomplished, through mud and rain, the evening of the 6th of November, near Ogdensburg. Wilkinson was then just about to pass the heavy fort (Wellington) opposite, the fire of which Scott had the honor to receive in the leading and largest boat of the American flotilla.

The following day he was appointed to the command of a fine battalion, in the *corps d'élite*, under Colonel Macomb. In the descent of the St. Lawrence, he commanded the advance-guard of the army; hence he was not present at the action of the 11th of November, at Chrysler's Farm, fifteen miles in the rear.

At the moment of that battle, Scott, with seven hundred men, was engaged with Colonel Dennis and an equal force, in passing Hoophole Creek, just above Cornwall. He effected the passage under the fire of the British force, routed them, captured many prisoners, and pursued the fugitives till night.

Being always in advance, he had the day before landed near Fort Matilda, which commanded the narrowest point on the whole length of the St. Lawrence. There he had a sharp encounter with the enemy, took an officer and some men prisoners, and gained possession of the fort.

At commencing the descent of the St. Lawrence, Wilkinson had proclaimed that he came to "conquer,"<sup>1</sup> but

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<sup>1</sup> Wilkinson's Proclamation of the 6th November says, that the army of the United States "invades these provinces to conquer, and not to destroy."

the indecisive action of “Chrysler’s Farm,” in which a portion only of the army was engaged,<sup>1</sup> was the only event connected with the general movement of the expedition which looked like a resolute determination, or a positive energy, towards decisive action. Even in that action the troops were limited, by the orders of the commander-in-chief, to defensive operations.<sup>2</sup> It was, therefore, attended with no important results.

On the following day, the 12th of November, a retreat commenced. The army, and when it was promulgated, the nation, heard with astonishment, that the expedition down the St. Lawrence for the conquest of Canada was abandoned!<sup>3</sup> This took place when Scott with the advanced-guard was fifteen miles in advance of the parties engaged on Chrysler’s Field; when there was no body of British troops between Scott and Montreal which could have arrested his march six hours; and when, finally, Montreal itself contained no garrison sufficient to have obstructed his entry!<sup>4</sup>

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<sup>1</sup> The official report of the battle of Chrysler’s Field says, that Wilkinson gave directions, by that distinguished officer, Colonel Swift of the engineers, to Brigadier-General Boyd, to throw “his own, Covington’s, and Swartwout’s brigades, into three columns, to march upon the enemy.” His force (about seventeen hundred men) were engaged. The British had about the same force. The Americans accomplished their object, which was by their orders to “beat back an attack.”

<sup>2</sup> Testimony of General Boyd on Wilkinson’s Trial—Armstrong, vol. ii. p. 16.

<sup>3</sup> In his Order (13th November) he tells the army it “is not abandoned.”

<sup>4</sup> In Wilkinson’s Letter of the 15th November, (Niles’s Register, vol. v. p. 234,) he says, that he had ascertained, that on the 4th of November, the British troops in Montreal were but four hundred marines and two hundred sailors, which had been sent up from Quebec.

This cruel disappointment to the army and the nation, was brought about by the refusal of General Hampton to join Wilkinson at St. Regis, as he himself declared, for fear of a want of provisions and forage;<sup>1</sup> and by the refusal of General Wilkinson to descend the St. Lawrence further, as he said, because Hampton had refused to join him with his division.<sup>2</sup> However satisfactory these reasons may have been to the respective commanders, they were entirely otherwise to the American nation. The northern frontier, from which so much had been expected, was regarded with mingled feelings of shame and regret.

The army which had departed but six days before from Ogdensburg, numerous in array and well-appointed in equipment, retreated, the day after the action of Chrysler's Field, to winter-quarters, and took up its position on Salmon River, at French Mills. On this spot is now a village, called after the gallant general mortally wounded at Chrysler's Field, and whose remains were buried there—Fort Covington.

In the movements of armies, as in the policy of nations, no degree of individual virtue, courage, or effort, will supply the want of skill and energy in the directing minds. In the plan of this campaign there was no want of foresight or sagacity. The capture of Kingston, the main point in the plan,<sup>3</sup> would have destroyed the strongest point of defence, and dépôt of stores, on the line of

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<sup>1</sup> Hampton's Letter of the 8th of November. He says, he "hopes to prevent" Wilkinson's starving! 5 Niles, 235.

<sup>2</sup> Wilkinson's General Order of the 13th of November, 5 Niles, 232.

<sup>3</sup> Armstrong's Notices, Plan of the Campaign, vol. ii. pp. 188-189; also vol. ii. Appendix, No. 11.

the St. Lawrence and the lakes, from Quebec to Detroit. Montreal would then have fallen at any moment the American commander chose.

In the departure from the first object, and deciding on a descent on Montreal, there was yet an important, and, in the event of success, probably decisive movement to be accomplished. The fall of Montreal would have given the Americans the command of the heart of the Canadas, and with the comparatively small regular force of the British, they would have kept it, and commanded the line of the St. Lawrence.<sup>1</sup>

Such was not, however, to be the result. There was enough of individual valor, of skill, of daring, and of enterprise, to have secured success to a competent commander, or victory to the boldness of an ardent leader. But, by a series of unnecessary delays and inexplicable blunders on the part of chiefs, these noble gifts of inferiors were rendered useless to their country and unavailable to themselves.

Amidst the disasters of the campaign there was one benefit. The touchstone of experience had been applied to the temper of the army, and it was now easy to select the pure metal from the dross. It was a hard school of adversity; but many brave and highly gifted young men were trained by its teachings to become accomplished and efficient officers. On the other hand, it detected the emptiness and unfitness of many a fop, both young and

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<sup>1</sup> The plan of the Secretary at War, as shown by the official correspondence, appears to have been that stated in the text. It seems, however, that General Wilkinson differed from the secretary in opinion, and finally adopted his own scheme, which was the descent of the St. Lawrence, as he attempted it.

old, who had been seduced into the service by the glitter of uniform and the pomp of military parade. They were made to learn and feel their incompetency to endure the duties or the frowns of war. An elegant writer<sup>1</sup> has well remarked, that the rude winter gales of Canada swept from our ranks the painted insects, which were fit only to spread their glittering wings in the summer sun ; but, at the same time, roused and invigorated the eagle-spirits, who during the calm cower in solitude and silence, but, as the tempest rises, come forth from obscurity to stem the storm, and sport themselves in the gale.

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<sup>1</sup> Substantially quoted from a Biography of Scott in the Analectic Magazine.

**PLAN OF THE  
BATTLE OF CHIPPEWA:  
position of the troops  
at the charge.**



**CHIPPEWA**

**PLAINS**

## CHAPTER VIII.

1814.

Formation of the Camp of Instruction at Buffalo.—Opening of the Campaign.—Passage of the Niagara.—Skirmish with the Marquis of Tweedale.—Position of the Armies.—Battle of Chippewa.—Its Consequences.—British Views.

THE campaign of 1813 closed in disaster and disgrace. The hopes of the nation, which had been excited by the brilliant achievements with which it opened, sank to despair, when the army, after sustaining a partial defeat, made an abrupt and hasty retreat. The military spirit of the army was lost. New levies of troops were to be made, and the spirit of daring, of confidence, and energy, was to be created before they could take the field.

To accomplish these objects, Colonel Scott passed a part of the winter, subsequent to the events on the St. Lawrence, at Albany. There he was engaged in preparing the *matériel* for the next campaign, and, by instructions from the president, in arranging high politico-military questions, with the patriotic Governor Tompkins. The time for the disclosure of the details of these consultations, has, perhaps, not arrived.

On the 9th of March, 1814, Colonel Scott was promoted to the rank of Brigadier-General, and immediately joined Major-General Brown, then marching with the army from the French Mills towards the Niagara frontier.

On the 24th inst., General Brown set out for Sacketts Harbor, expressly for the purpose, as he said, of leaving

it to Scott to establish a camp of instruction, and to prepare the troops, as they arrived, for opening the campaign.

The army was rapidly assembled at Buffalo. It consisted at that time of Scott's brigade, Ripley's brigade, Hindman's battalion of artillery, (all regulars,) and Porter's brigade of militia.

Scott's brigade consisted of the battalions of the 9th, the 11th, and the 25th regiments of infantry, with a detachment of the 22d, and Towson's company of artillery.<sup>1</sup> The brigade of General Ripley was composed of the 1st, 21st, and 23d infantry. Porter's command was composed of bodies known as Canadian Volunteers, New York Volunteers, and Pennsylvania Volunteers.<sup>2</sup> The signal services rendered by these troops at a subsequent period, and the glory which they won for their country on hard-fought battle-fields, renders it proper that we should record and remember names so justly distinguished in history.

These troops were placed in the camp of instruction at Buffalo, where for more than three months they were drilled in all the evolutions and tactics necessary to give them the most accurate and thorough discipline. The modern French system was adopted. All the officers, without regard to rank, were first rigorously drilled by the commanding general, in small squads. These officers then instructed the rank and file in squads, under his eye. Companies were next formed, and subjected to the same process; then battalions; and, finally, these again were

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<sup>1</sup> 6 Niles's Register, 336. General Brown's Letter.

<sup>2</sup> 6 Niles, 435. Adjutant-General's Report.

instructed by General Scott in person. When these details were all learned, the troops were carried by him through the evolutions of the *line*, (the movement of armies,) with the same strict attention to science and the wants of the field. The effect of this discipline was remarkable, and the results were fully displayed on the fields of Chippewa and Niagara.

In the camp of instruction at Buffalo the army, from constant drill, acquired its organization, exact discipline, and habits of hardihood, and of cheerful obedience. Officers and men were taught the proper distribution of duties between each other, between the different corps, and the different services. From the formation of a *column of attack* to the presentation of a salute, and from the *movement in échelon* to the exchange of the minutest courtesies,<sup>1</sup> they learned alike the substance and the form of those duties of the camp and the field, which are developed in the array and the action of war.

The value of discipline, of obedience, and of personal skill in their business, thus acquired by the troops of an army, cannot be over-estimated. For want of it, the brave and gallant (but undisciplined) volunteers of patriot armies have been scattered and driven by veteran soldiers fight-

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<sup>1</sup> The trifles of courtesy are not unimportant in either military or civil life. If they are but form, they are notwithstanding, like language, the expression of a substance. Of Scott's observance of these, at Buffalo, we have been told the following anecdote. He observed a captain pass a sentinel posted. The sentinel saluted him by carrying arms, making the musket ring with the action. The captain passed without acknowledging the salute of the soldier. General Scott sent an aid to him to say, that he (the captain) would take care to repass the sentinel in twenty minutes, and repair the fault, or take a trial before a court-martial.

ing in a worse cause, and having far less of moral motive to sustain them. With it, the soldiers of despots have fought with invincible firmness, choosing graves where they stood, to life in retreat. The armies of Suwarow would fall in the ranks, but, without orders, never retreat.

The troops of Great Britain are well disciplined ; and it was in the sharpest contests with them that the army of Niagara soon proved how much it had gained in the camp of instruction at Buffalo.<sup>1</sup>

The apparent though not unprofitable inactivity which had pervaded the American army of the north, during the spring of 1814, disappeared before the rising heat of the summer sun. In the latter part of June, General Brown returned to Buffalo ; and henceforward the storm of war, with its hurried tramp, its loud clangor, its heroic deeds, and its untimely deaths, was heard swift sweeping along the shores of the Niagara.

Early in the morning of the 3d of July, Scott's brigade, with the artillery corps of Major Hindman,<sup>2</sup> crossed the

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<sup>1</sup> Like all other pioneers, both civil and military, the officers of the army of 1812-14 labored under difficulties which cannot now be appreciated. It is said that Scott had but one copy of the French Tactics. Of course this had to be explained to individuals, and put in practice successively on the ground.

It was one object of the United States Military Academy at West Point, to avoid these difficulties, and prepare young men by scientific instruction to discipline the army and prepare the recruits, when war came, for the services of war. This it has done. The tactics and science which were then a novelty in the country, have now been diffused through the army and the nation. In addition to this, there are excellent and minute treatises for the instruction in tactics, prepared for that express purpose.

<sup>2</sup> *Buffalo Gazette*, July 5th, published in Niles's Register, vol. vi. p. 337.

river, and landed below Fort Erie, while Ripley's brigade landed above. Scott led the van, crossing in a boat with Colonel Camp, who had volunteered his services, and was on shore before the enemy's piquet fired a gun.<sup>1</sup> Fort Erie soon surrendered,<sup>2</sup> and preparations<sup>3</sup> were immediately made to advance, and attack the army of General Riall at Chippewa.

On the morning of the 4th, Scott's brigade, several hours in advance, moved towards Chippewa. For sixteen miles he had a running fight with the Marquis of Tweedale, who commanded the British 100th regiment, till at dusk the latter was driven across Chippewa River, and joined the main body of the British army under General Riall. The Marquis has since said, that he could not account for the ardor of the pursuit until he recollect ed the fact that it was the American great anniversary.

That night, Scott took up a position above Street's Creek, two miles from the British camp below Chippewa. The interval between these creeks was a plain, on which was fought the battle of Chippewa.

The positions of Riall and of Scott on the morning of the 5th may be easily understood. On the east side was the Niagara River, and near it the road to Chippewa. On the west was a heavy wood. Between these, running from the woods to the river, were two streams, the prin-

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<sup>1</sup> 6 Niles's Register, 337.

<sup>2</sup> 6 Niles, 337. The British garrison of Fort Erie consisted of parts of the 8th and 100th regiments, under the command of Major Burke, of whom 170, including 7 officers, were taken prisoners, and sent to the American side.

<sup>3</sup> General Brown to the Secretary of War, 6 Niles, 344.

cipal of which was the Chippewa. The other was the small creek above, called Street's. Behind, and below the Chippewa, lay the army of General Riall, with a heavy battery on one side and a blockhouse on the other. Scott's brigade had rested for the night on and above Street's Creek. Over these streams the road to Chippewa passed on bridges, the one over Street's near the Americans, and the other over the Chippewa near the British. This was the position of the respective parties on the morning of the 5th,<sup>1</sup> when General Brown was expecting to attack the British,<sup>2</sup> and they in turn determined to anticipate it, by a sortie from the lines of Chippewa. It was a long day in summer; the earth was dry and dusty, and the sun bright and hot, when the best troops of Britain and America met, as in tournaments of old, to test their skill, their firmness, and their courage, on the banks of the Niagara.

The day began with the skirmishes of light troops. The British militia and Indians occupied the wood on the American left, and about noon annoyed the American piquets placed on that flank. General Porter, with volunteers, militia, and some friendly Indians of the Six Nations,<sup>3</sup> soon engaged them, and, after some skirmishing, drove them through the wood, back upon Chippewa. Here the British irregulars, finding that their main army under General Riall was advancing, rallied, and in turn attacked Porter, compelling his command to give way. In spite of his own efforts and personal gallantry, these

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<sup>1</sup> See the account of the *Ontario Messenger*, republished in 6 Niles, 403.

<sup>2</sup> Brown's letter of July 6th, 6 Niles, 344.

<sup>3</sup> Brown's Report, 6 Niles, 354.

light troops broke and fled, at sight of the formidable array of Riall.<sup>1</sup>

It was now about four o'clock. General Brown was then in the wood with Porter; when a cloud of dust arose towards the bridge of Chippewa, and a firing was heard. This apprized him that the British army was advancing. At this very moment, General Scott, in ignorance of the British advance, was moving his brigade towards the plain, simply for the purpose of drill. Near the bridge over Street's Creek he met General Brown, who said—"The enemy is advancing. You will have a fight." Beyond this brief remark, Scott received no further orders during the day.<sup>2</sup> General Brown passed to the rear, to put Ripley's brigade in motion, and to reassemble the light troops behind Street's Creek. It was not till he arrived at the bridge, over Street's Creek, two hundred yards to the right of his camp of the night before, that Scott saw the enemy.<sup>3</sup> The army of Riall had crossed the bridge over Chippewa, and displayed itself on the plain before described. It was composed<sup>4</sup> of the 100th regiment, under Lieutenant-Colonel the Marquis of Tweedale; the 1st or Royal Scots, under Lieutenant-Colonel Gordon; a portion of the 8th or King's regiment;

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<sup>1</sup> Brown's Report, 6 Niles, 654.

<sup>2</sup> Brown's Report says—"The general did not expect to be gratified so soon with a field engagement. He advanced in a most prompt and officer-like style, and in a few minutes was in close action upon the plain with a superior force."

<sup>3</sup> A fringe of bushes along the creek, and a clump of trees at the bridge, shut out till then the view of the enemy.

<sup>4</sup> British official report, by Adjutant-General Baynes, found in 6 Niles, 402.

a detachment of the Royal Artillery; a detachment of the Royal 19th Light Dragoons; and a portion of Canada militia and Indians. The main body of these troops were among the best in the British army.

This force was supported by a heavy battery of nine pieces, within point-blank range of the American troops. Under the fire of this battery the corps of Scott passed the bridge in perfect order, but with some loss. His first and second battalions, under Majors Leavenworth and M'Neil, after crossing, formed a line to the front, which brought them opposed respectively to the left and centre of the enemy. The third battalion under Major Jesup obliqued in column to the left, and advanced to attack the right of the enemy, which extended into the wood. Captain Towson with his artillery was stationed on the right, resting in the Chippewa road.<sup>1</sup>

General Scott soon perceived that, although there were no intervals in the British line, yet their right wing outflanked his left. To remedy this difficulty the movement of Jesup was caused, and the interval between the battalions of Leavenworth and M'Neil on the plain, was greatly enlarged. These evolutions were executed rapidly, and with great precision, under the fire of both musketry and artillery.

The action soon became general. Major Jesup now in the wood, and out of view, engaged, and held in check the enemy's right wing. The plain widened on that flank, and the enemy's main line continued to advance. Jesup having thus held in check one battalion in the wood, the engagement there gave the enemy a new right flank

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<sup>1</sup> See Diagram

upon the plain. General Scott, who had continued alternately to advance, halt, and fire, was now not more than eighty paces from the enemy. The enemy having a new flank, Scott took advantage of the enlarged interval between Leavenworth and M'Neil, to throw the left flank of M'Neil's battalion forward on its right, so that it stood obliquely to the enemy's charge and flanking him a little on his new right. At this moment Scott called aloud to M'Neil's battalion, which had not a recruit in it,—“The enemy say, that we are good at long shot, but cannot stand the cold iron! I call upon the Eleventh instantly to give the lie to that slander! Charge!” This movement was executed with decisive effect. A corresponding charge was also made by Leavenworth, who held an oblique position on our right. These charges were sustained by the flank fire of Towson's artillery on the right, and quickly put the enemy to rout. The British army broke, and fled in confusion.

In the mean while, and nearly at the same time, Major Jesup, commanding the left flank battalion, finding himself pressed in front and flank, ordered his men to “support arms and advance.” This order was promptly obeyed amidst a deadly and destructive fire.<sup>1</sup> Having gained a more secure position, he returned upon the enemy so severe a fire as caused them to retire.<sup>2</sup> Thus was the whole British line fairly routed, in a field action, on an open plain. They fled to their intrenchments beyond the Chippewa, hotly pursued by Scott to the dis-

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<sup>1</sup> General Brown's Official Report, dated July 7th, 1814, and contained in 6 Niles's Register, 354.

<sup>2</sup> Brown's Report, 6 Niles, 354.

tance of half musket-shot of Chippewa Bridge. He took many prisoners, leaving the plain behind strewed with the dead and wounded of both nations.

At this point the active and important part of the battle of Chippewa ended, but we must recall the reader to some of its strictly military points, before we pursue our story to other and yet bloodier scenes. A *charge*, in military phrase, is said to be made, when either party stops firing, throws bayonets forward, and advances to the shock, whether the enemy receive it or fly. An actual crossing of bayonets, therefore, is not indispensable to the idea of a charge. To suppose it is, is a mistake. Another popular error is, that the parties come up to the shock in parallel lines. Such a case has rarely, if ever, occurred. Each commander always seeks by manœuvring to gain the oblique position, and, if possible, to outflank his enemy. With superior force, both advantages may easily be gained; but with inferior numbers the difficulty is extreme. The excess on the part of the enemy can only be overcome by celerity of movement, accuracy, hardihood, skill, and zeal.

At Chippewa, Scott from the first had been obliged, in order to present to the enemy an equal front on the plain, to extend the interval between the first and second battalions to an unusual width. Late in the action, when the parties had approached to within eighty paces, each having several times halted, fired, and advanced, Scott suddenly threw his first battalion a little forward, obliquely, on its left, and his second more forward, obliquely, on its right. He at the same time caused Towson's battery, on our extreme right, to make a wheel towards the enemy, now nearly up. The whole of the American

infantry, with the shout of assured victory, then rushed to the charge!<sup>1</sup>

Of course, only a few files crossed bayonets at a time, and, from the force of position,<sup>2</sup> there were two or three effective American to one British bayonet, at each successive step. As the enemy advanced, he necessarily became more and more outflanked. This enabled each wing from the first to double some files on the enemy's rear. The flanks so assailed rapidly crumbled away. The process was short. In a few minutes the whole British army broke and fled.

It is evident, that in proportion as the Americans advanced, the interval in their line became less and less. Even if Scott had halted to receive the enemy, that interval would not have been a weak point, because, in that event, the more the enemy advanced within our line, the more he would have been exposed to a cross and oblique fire from the right and left.

When the enemy's battalions, at the beginning, passed from column into line, a part of their artillery became masked by that line. That is, it could no longer, in consequence of the intervention of its own friends, fire direct or over upon the American line. Some pieces, however, continued to play upon Towson's battery, immediately in front, and dismounted one of his three guns. Towson also succeeded in dismounting one of theirs. His last raking discharge to the left, just before the shock of the two lines, was terribly destructive.

The instant that Leavenworth and M'Neil's battalions were thrown into the oblique positions seen in the dia-

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<sup>1</sup> See Diagram.

<sup>2</sup> Idem.

gram of the battle, both armies rapidly advancing, Scott galloped to our battery on the right, and called out to Towson—"Captain, *more* to the left; the enemy is there!" Towson, on foot, and enveloped in smoke, could not see that the enemy's line had advanced inside the range of his last discharge. The gallant captain—than whom no man in the army possessed a greater prowess—instantly changed the direction of his two remaining guns more to the left, and gave the final destructive fire, a second or two before the conflict of bayonets on that flank.

We have described the battle of Chippewa in its detail, as it was described to us by a scientific soldier. It may be verified by the curious reader, in other ways, both oral and written, open to his inquiry.<sup>1</sup>

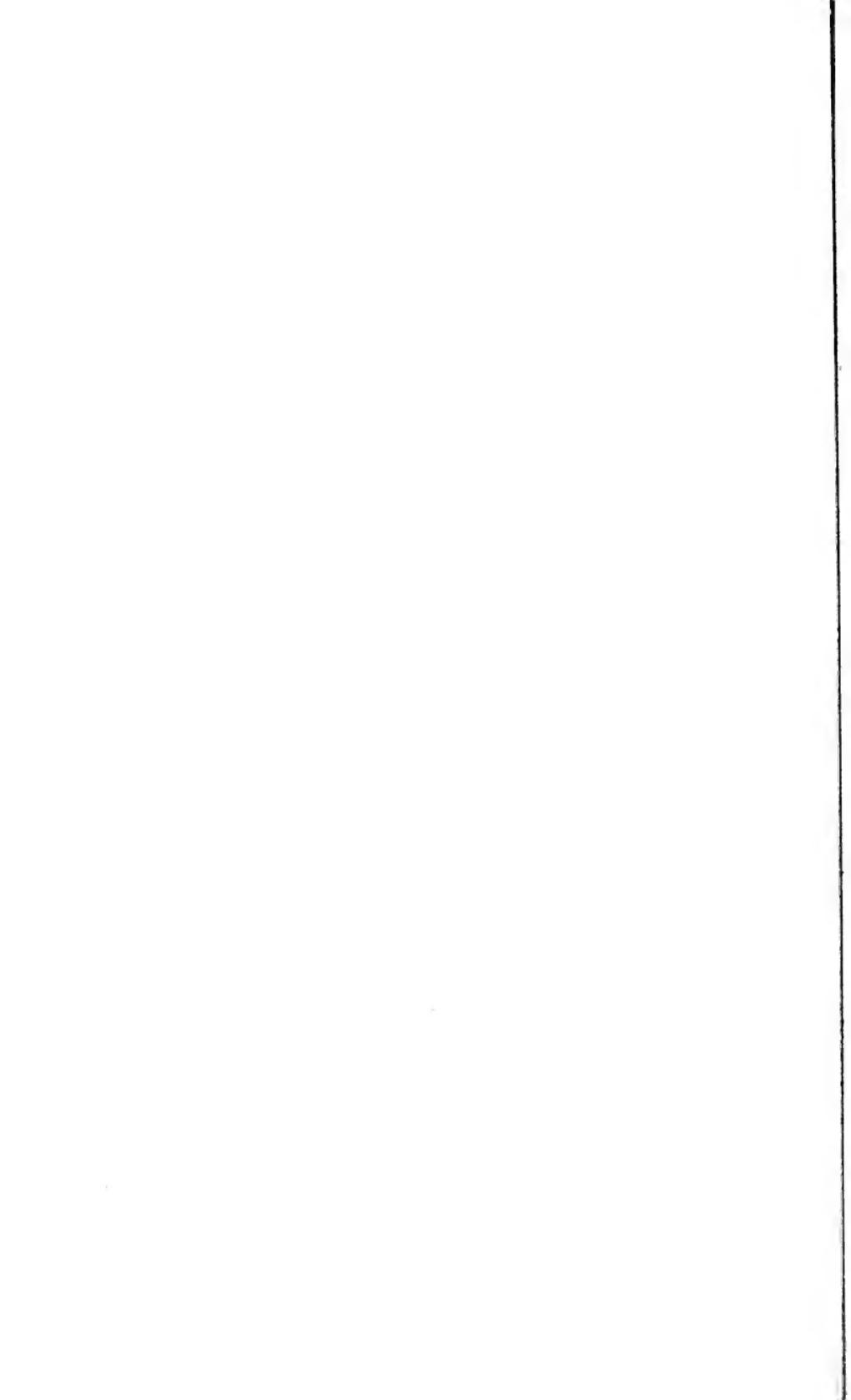
When the action had just commenced, General Brown had hastened to bring up the brigade of Ripley; and for this purpose the 21st regiment was detached to the left, and moved to the support of Scott, with the intention of attacking the enemy's left; but they arrived too late. The battle was ended. Such was the activity of Scott's movements, and the impetuosity of his attack, that the enemy were already routed and pursued.<sup>2</sup>

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<sup>1</sup> General Brown's official report, the British official report by Adjutant-General Baynes, and the newspaper accounts, all combined and compared, will give a very accurate view of this battle. In addition, reference may easily be made to General Worth, General Jesup, and others who were present and active in the battle.

<sup>2</sup> General Brown's Official Report says, that the greatest exertions were made by the 21st regiment to gain their position in time; but in vain; for the zeal and gallantry of the line commanded by General Scott was such, that its advance upon the enemy was not to be checked.





The battle of Chippewa was an exciting and in some degree poetic scene. It was fought at the close of a long, bright summer's day. On one side rolled the rapids of the deep Niagara, on the other was seen the verdure of the northern forest. The plain on which the hostile forces met was level and smooth, as if prepared for the meeting of the warriors of ancient knighthood. The best troops of England wheeled into it over Chippewa Bridge, and the regiments of America, cool and disciplined, marched to meet them in combat. The sun shone down, and brilliant arms flashed in his beams. Each movement of the troops was distinct. As the battle deepened, fine bands of music mingled their melody, in sudden bursts, with the roar of artillery and the moans of the wounded.

The battle ended, and many were the dead upon that dusty plain, whose last groans had expired with the last rays of the setting sun.

Darkness came on, and wearied with battle and thirsty with heat, each army retired to its camp.<sup>1</sup> The dead woke not from their bloody beds, and the living sank to rest. The wounded and his watcher, the sentinel and the stars, alone kept the vigils of the night.

In the British official account of this battle, the American force is represented as numerically superior. The fact was the reverse.<sup>2</sup> The British idea was founded prob-

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<sup>1</sup> General Brown's Official Report, 6 Niles, 154.

<sup>2</sup> There is a tolerably accurate mode of ascertaining this fact. The British adjutant-general's report, dated the 13th July, in giving a return of the killed and wounded, enumerates the 1st regiment, (Royal Scots,) the 8th, (Queen's,) the 100th, (Marquis of Tweedale's,) a detachment of Royal 19th, (dragoons,) a detachment of artillery, and a portion of Canada militia. These regiments were not full; but there was one battalion of the Scots, and the 8th, and two of the 100th. Their numbers may be

ably on the supposition that the whole of General Brown's army was engaged. This, we have seen, was far from being the fact. The reserve under General Ripley was not in the action, in any degree. The detachment of General Porter, after the first skirmishes in advance, broke, returned to the rear, and were not again engaged. Of the artillery under Major Hindman, one company only, that of Towson, was engaged.

In fact, only Scott's brigade was engaged in the main battle. This brigade was constituted as we have narrated in the beginning of this chapter.<sup>1</sup>

At this distance of time, we have opportunities of comparing the accounts, both of the official reports and of personal combatants in the field ; of writers who wrote flushed with the excitement of the action, and of those who calmly sought truth, when the action existed only as an event of history. With this comparison made, and with these views examined, we conclude, that the battle of Chippewa was fought, in regard to the actual combat, by the Americans, with rather inferior forces ; was fought on an open plain with no peculiar advantage to either party ; and was fairly won by the Americans, opposed to some of the best troops of Europe.<sup>2</sup>

thus stated—Royal Scots, 400 ; 8th, 400 ; 100th, 800 ; artillery, dragoons, and militia, 500 ; in all, about 2100 men.

The American troops were, the 9th, 11th, and 25th infantry, with a detachment of the 22d, Towson's artillery, and Porter's volunteers. The three regiments of infantry may be called 1400, though probably less ; the residue about 500, making 1900. In this account light troops are counted on both sides.

<sup>1</sup> Page 100.

<sup>2</sup> The Royal Scots, the 100th, and the Queen's Own, were claimed to be among the best of the British troops.

The victory, therefore, though attended by no actual conquest, was valuable to the American people. It taught them, and it inspired all ranks of the army with the knowledge, that our troops, when properly instructed, were equal in courage and coolness, in devotion and discipline, to those whose skill and experience had been acquired in the Peninsula of Spain, or under the warm sun of India. This knowledge came when its inspiration was needed. Along this line of Canada frontier, whence so much had been expected, one general had surrendered with shame;<sup>1</sup> another had retreated, to the disappointment of the country;<sup>2</sup> and a third had refused to advance, and retired to inactivity.<sup>3</sup>

This gloomy period had indeed been relieved by the defeat of Proctor; but there had been too many misfortunes or disasters on the northern frontier, not to leave a degree of doubt and uncertainty on the popular mind, respecting the vigor and discipline of our land forces. The battle of Chippewa removed this impression. It blazed up from apparently sinking fires, and illuminated the horizon of hope, not so much by the magnitude as by the brilliancy of its light.

Let us turn a moment from the American, to the views taken by English writers of this sanguinary action. They, at least, will not be too partial to America. An English periodical of that day, says—

“On reading the two accounts (English and American) of the same affair, one is forcibly struck with the opposite statements they contain, and which it would be a vain task in me to reconcile. We, as is natural, will be in-

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<sup>1</sup> Hull.

<sup>2</sup> Wilkinson.

<sup>3</sup> Hampton.

clined to believe our general, while the Americans will, as naturally, believe theirs." \* \* \* \*

\* \* \* "But, whatever may be said as to this, there can be no difference of opinion as to the more important feature in it, namely, the undaunted bravery of the Americans, and the little hope this affords, that the contest will soon be terminated." \* \* \* \*

"I do not think there is evidence, that the British army, at or near the scene of action, was upwards of four thousand strong, while the enemy was under three thousand."<sup>1</sup> \* \* \* \*

\* \* \* "Numerous as were the battles of Napoleon, and brave as were his soldiers, I do not believe that even he, the greatest warrior that ever lived, can produce an instance of a contest so well maintained, or, in proportion to the numbers engaged, so bloody, as that of Chippewa."<sup>2</sup> \* \* \* \*

<sup>1</sup> The reference of the writer here is obviously to those that composed the entire armies of Riall and Brown, and not to those actually engaged.

<sup>2</sup> The killed, wounded, and prisoners, in the battle of Chippewa, were returned as follows:—

*American Official Report.*

|                                      | Killed. | Wounded. | Missing. |
|--------------------------------------|---------|----------|----------|
| Artillery, (Towson's,) 9th infantry, | 4<br>13 | 16<br>44 | —<br>—   |
| 22d     "                            | 8       | 44       | —        |
| 25th     "                           | 5       | 68       | —        |
| 11th     "                           | 15      | 60       | —        |
| Porter's Volunteers,                 | 12      | 13       | 17       |
| Ripley's brigade,                    | 3       | 3        | 2        |
|                                      | —       | —        | —        |
|                                      | 60      | 248      | 19       |
| Total, 327.                          |         |          |          |

"The important fact is, that we have now got an enemy who fights as bravely as ourselves. For some time, the Americans cut no figure on land. They have now proved to us that they only wanted time to acquire a little discipline. They have now proved to us what they are made of, and they are the same sort of men as those who captured whole armies under Burgoyne and Cornwallis; that they are neither to be frightened nor silenced; and that if we should beat them at last, we cannot expect to do it without expending three or four hundred millions of money, keeping up all our present taxes, and adding to their amount, or imposing new taxes. These are the facts that are now proved to us. These are the natural consequences of battles such as that of Chippewa."

\* \* \* "America will have carried on a war single-handed against us; she will have, through the world, the reputation of having been able alone to beat England; for, to defend herself against us is, in such a case, to beat us. Other nations, sore at the sight of our predominance on the sea, will look up to America as the balance against us. They will naturally seek a connection with

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*British Official Report.*

|                   | Killed. | Wounded. | Missing. |
|-------------------|---------|----------|----------|
| Artillery,        | 1       | 4        | —        |
| Royal Scots,      | 53      | 135      | 30       |
| 8th, (or King's,) | 3       | 24       | —        |
| 100th regiment,   | 69      | 134      | 1        |
| Militia,          | 12      | 16       | 15       |
| 19th Dragoons,    | —       | 5        | —        |
|                   | 138     | 319      | 46       |

Total, 503.

Total loss, 830 in less than 4000 men.

a country offering innumerable sources of beneficial intercourse." \* \* \* \*

This language may be stronger than what many Americans would be willing to use; but is it not justified by the facts, and by the consequences? Soon after the battle of Chippewa, our arms acquired other victories, both in the north and in the south. Since the war, as the writer predicted, our alliance has been courted and our commerce sought, by every nation on the habitable globe.

We shall close the history of the field of Chippewa with the testimony of him who, alike by station and by skill, was the best witness to the gallant actions of his brave and devoted soldiers.

General Brown, in his Official Report,<sup>1</sup> observes—

" My most difficult duty remains to be performed. I am depressed with the fear of not being able to do justice to my brave companions in arms, and apprehensive that some who had an opportunity of distinguishing themselves, and promptly embraced it, will escape my notice.

" Brigadier-General Scott is entitled to the highest praise our country can bestow—to him more than any other man am I indebted for the victory of the 5th of July. His brigade covered itself with glory. Every officer and every man of the 9th and 22d, 11th and 25th regiments, did his duty with a zeal and energy worthy of the American character. When every officer stands so pre-eminently high in the path of duty and honor, it is impossible to discriminate, but I cannot deprive myself of the pleasure of saying, that Major Leavenworth commanded the 9th and 22d, Major Jesup the 25th, and

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<sup>1</sup> Brown's Official Report, 6 Niles, 354.

Major M'Neil the 11th. Colonel Campbell was wounded early in the action, gallantly leading on his regiment.

"The family of General Scott (his military staff) were conspicuous in the field; Lieutenant Smith of the 6th infantry, major of brigade, and Lieutenants Worth<sup>1</sup> and Watts, his aids.

"From General Ripley and his brigade I received every assistance that I gave them an opportunity of rendering. I did not order any part of the reserve into action until General Porter's command had given way, and then General Scott's movements were so rapid and decisive, that General Ripley could not get up in time with the 21st, to the position, as directed."

The battle of Chippewa, we have already shown, was important in raising the self-estimation of the American people, in regard to military service on land, in open field combat. It was likewise important intrinsically, to the glory and reputation of American arms, both at home and abroad.

General Brown has said, in the preceding Report, that to General Scott more than to any other man was he indebted for the victory of the 5th of July; and that he was entitled to the highest praise his country could bestow. No stronger language than this can be used. The

<sup>1</sup> Lieutenant Worth, here mentioned, is now Brigadier-General Worth. He was for several years commander of the battalion of cadets at West Point, and subsequently one of the commanders in the Florida war.

The promotions made for the campaign of Niagara were as follows: HONORARY BREVETS—Brigadier-General Scott, Major-General; Majors Leavenworth, Jesup, and M'Neil, Lieutenant-Colonels; Captains Crooker, Towson, Harrison, and Austin, Majors; Lieutenant Worth, Captain; 2d Lieutenant Watts, 1st Lieutenant.

foregoing narrative has proved, that the commander-in-chief was not mistaken. Scott was the actual commander of the forces engaged in battle; and when the day closed, it was not unjust, that to him was assigned the freshest and greenest leaf from the many-laurelled plain of Chippewa.

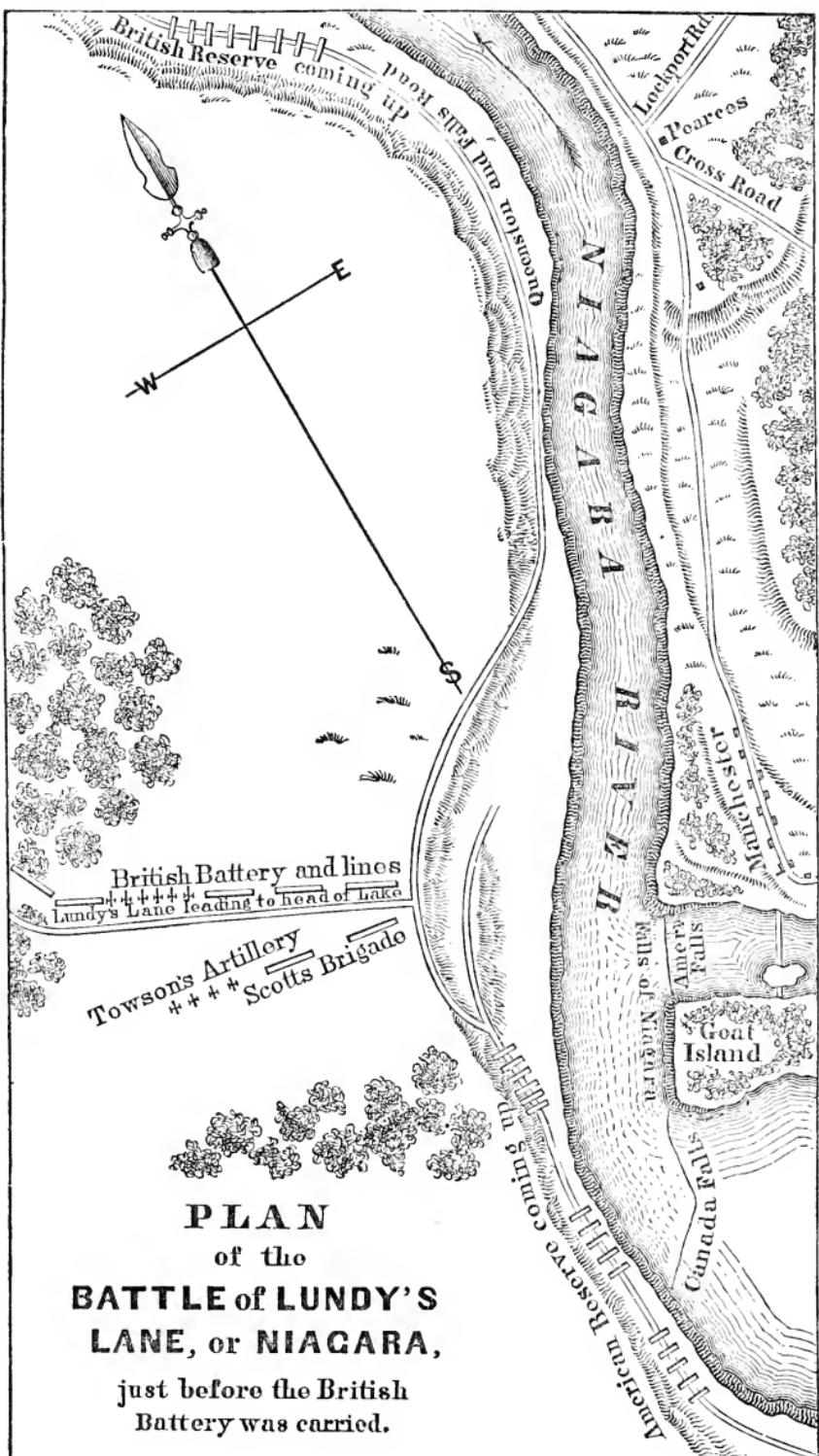
It is also just to inquire, what, and by what means acquired, were those qualities, by which he became a conspicuous and successful soldier.

The reader will recollect, that we described Scott, after his suspension for words used against Wilkinson, as engaged sedulously, in the house of B. W. Leigh, Esq., in the study of the science of his profession. It was a valuable study to him. Then, and at subsequent periods, he acquired that systematic and technical knowledge of the discipline, organization, and movement of troops, which makes military knowledge, like other systematic branches of learning, practically an art and theoretically a science.

In the Camp of Buffalo, likewise, Scott had shewn his acquaintance with the French military tactics, till then not introduced into the American service, and this knowledge was made available to the discipline of the troops.

In his natural character, Scott was daring, ardent, zealous, and quick to perceive. With such qualities, natural and acquired, we at once find a reason for the rapid development of his military talents in the field of action. There we find displayed great personal courage, bold enterprise, and the utmost promptitude of movement, united with a cool presence of mind, and the most ready resource in difficulty. These are the qualities of an able general, and as such, were developed in him on the northern frontier.

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PLAN  
of the  
**BATTLE of LUNDY'S  
LANE, or NIAGARA,**  
just before the British  
Battery was carried.

## CHAPTER IX.

1814.

American Army crosses the Chippewa.—Demonstration towards Burlington Heights.—Battle of Niagara.—Scott wounded and disabled.

THE army of the north had scarcely rested from its labors at Chippewa, when it was called to the still more sanguinary field of Niagara. The second day after the battle of the 5th, the American troops forced their way over Chippewa River. In this, Scott's brigade led, and the enemy retreated before him.

After the campaign of 1813, Fort Messasauga was erected near the mouth of Niagara River, and added to the defences of Fort George. These forts General Riall, the British commander, reinforced, and then retired to Burlington Heights, near the head of Lake Ontario. It was the object of General Brown to capture these defences before commencing any ulterior operations. To accomplish this, he sent to Sacketts Harbor for heavy cannon, which were to have been transported by the American vessels.<sup>1</sup> At this time, however, Commodore Chauncey lay sick, and the enemy had a momentary superiority on the lake.<sup>2</sup> The intentions of the

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<sup>1</sup> General Brown's Letter to the Secretary of War, July 25th, 1814,  
6 Niles, 411.

<sup>2</sup> Idem.

commander, therefore, in regard to the forts at the mouth of the Niagara, were disappointed.

General Brown determined then to attack Burlington Heights ; but, to induce the enemy to descend, and at the same time draw a small supply of provisions from Schlosser,<sup>1</sup> he masked his intentions, by feigning a retreat up the Niagara, recrossed the Chippewa, and encamped.

Had this movement failed to withdraw the British troops from the Heights, it was intended to use the 25th as a day of rest, and on the 26th to send Scott forward by the road from Queenstown, and force Riall to action, no matter how strongly he might be posted. Events determined otherwise, and what was meant to be a day of rest, was converted into the most active and bloody day of the campaign.

In the afternoon of the 25th, amidst general relaxation, General Brown received a note from a colonel of militia, whose regiment occupied two or three posts on the American side of the Niagara, stating in the most precise terms, that the enemy had thrown a thousand men across from Queenstown to Lewiston, nine miles below the Chippewa, for some object not exactly understood. Brown conjectured that there was an intention to capture our magazines at Schlosser, and to intercept supplies coming down from Buffalo. In order to recall him from this object,<sup>2</sup> Brown immediately determined to threaten the forts at the mouth of the Niagara. In less than twenty minutes Scott's command was put in motion for that purpose.<sup>3</sup> His force consisted of four small bat-

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<sup>1</sup> Brown's Official Report, 6 Niles, 433.

<sup>2</sup> Idem.

<sup>3</sup> Idem.

talions, under Colonel Brady,<sup>1</sup> and Majors Jesup, Leavenworth, and M'Neil; Captain Towson's artillery, and Captain Harris's detachment of regular and volunteer cavalry; in all amounting to thirteen hundred men. There was not time to call in the guards which belonged to those corps.

About two miles from the camp, and just above the Falls, Scott discovered a few British officers, mounted, who, as it turned out, were in advance to reconnoitre, and soon learned that the enemy was in some little force below, and only intercepted from the view by a narrow wood.

In this situation, Scott for a moment reflected on what course should be pursued. He was instructed to march rapidly on the forts, under positive information (given as we have narrated to General Brown,) that Riall had, three hours before, thrown half his force across the Niagara. Reflecting that the whole had been beaten on the 5th inst., he lost no time in reconnoitring, but dashed forward to disperse what he thought was the remnant of the British army opposed to him.

After dispatching Assistant Adjutant-General Jones<sup>2</sup> to General Brown with the information that the enemy was in front, he proceeded to pass the wood, just below Forsythe's House. There he was greatly astonished to find, directly in front, drawn up in order of battle, on Lundy's Lane,<sup>3</sup> a larger force even than that he had encountered at Chippewa twenty days before! The position he was

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<sup>1</sup> Brown's Official Report, 6 Niles, 433.

<sup>2</sup> Brown's Report.

<sup>3</sup> Drummond's General Order, 26th July, 6 Niles, 439.

in, was extremely critical. To stand fast was out of the question, being already under a heavy fire of the enemy's artillery and musketry. To retreat was equally hazardous; for there is always, in such a case, the probability of confusion, and, at this time, the danger of creating a panic in the reserve, then supposed to be coming up, and which had not been in the previous battle.

Scott saw that no measure but one of boldness would succeed. He therefore determined to maintain the battle against superior numbers and position till the reserve came up, thus giving General Riall the idea that the whole American army was at hand. This would prevent him from profiting by his numerical strength to attack our flanks and rear. He would thus lose the initial, a matter of no small importance in military enterprises. The scheme succeeded.<sup>1</sup> For a long time the enemy was kept on the defensive, till the American reserve had come up and entered into the action.

In the mean while Scott had sent back to General Brown, Lieutenant Douglass,<sup>2</sup> as well as Major Jones, to report the condition of affairs. The first was to report that the remnant of Riall's army was manoeuvring to protect the detachment thrown over the Niagara; the second was to inform the general, that so far from being diminished, the British army was actually reinforced, and thus to hasten up the reserve.

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<sup>1</sup> It appears from Drummond's General Order, 26th July, in 6 Niles, 439, that he thought his position in Lundy's Lane was attacked by the whole American army. He thanks the army for "repulsing all the efforts of a numerous and determined enemy to carry the position of Lundy's Lane."

<sup>2</sup> Lieutenant D. B. Douglass of the Engineers, afterwards professor at West Point, and subsequently president of Kenyon College, Ohio.

On the British side the facts were these. In the night before, the night of the 24th, Lieutenant-General Sir Gordon Drummond had arrived, in the British fleet, at the mouth of the Niagara, with a large reinforcement from Kingston and Prescott. This was wholly unknown to General Brown! Drummond had, in advance, sent instructions to Riall to meet him on the 25th on the Niagara. Accordingly, Riall had marched down the very road it had been arranged that Scott was to take on the 26th. He had come by Queenstown without putting a man across the Niagara! He had continued his route, as the advance of Drummond's army, towards the Falls. On the way, he had already been joined by two of the battalions which had just come up in the fleet. The others arrived successively, at intervals of half an hour or an hour, after the action had commenced.

The battle began about forty minutes before sunset, and, like its predecessor at Chippewa, was the closing drama of a long and warm summer's day. Like that too, it signalized among the affairs of men a spot which in the world of nature had been rendered illustrious by one of the great and glorious works of God. When the battle was about to begin, just as the setting sun sent his red beams from the west, they fell upon the spray, which continually goes up, like incense, from the deep, dashing torrent of Niagara. The bright light was divided into its primal hues, and a rainbow rose from the waters, encircling the head of the advancing column!<sup>1</sup> In a more superstitious age,

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<sup>1</sup> This incident is related by an officer who was present in the battle. It is well known, that one of the most beautiful phenomena of the Falls is the formation of rainbows, both lunar and solar, at all times when the

such a sign would have been regarded, like the Roman auguries, as a precursor of victory. Even now, this bow of promise furnished the inspiration of hope, with the colors of beauty.

The line which now opened its fire upon Scott, at the distance of one hundred and fifty paces, was already eighteen hundred strong. It was well posted in Lundy's Lane, a ridge nearly at right angles with the Niagara River, a little below the cataract. Its left was on the road parallel to the river, with a space covered with brushwood, of some two hundred yards, between. Scott, observing this interval, soon ordered Major Jesup, sustained by Colonel Brady, to take advantage of it, and, concealed by the bushes and twilight, to turn the enemy's left. The other battalions had been before promptly deployed into line, and the action joined by it (Brady on the right) and Towson's artillery. The small detachments of cavalry on both sides were held in reserve. The enemy, finding after some time that he outflanked us on the left, threw forward a battalion to take us in flank and rear. Scott, although with inferior numbers, caused this movement to be promptly met and repelled by Major M'Neil's battalion, but with great loss on both sides. At the same moment, the action in front was desperately contested by Brady, now in line, and by Leavenworth and Towson. Major Jesup had succeeded in his movement. He had taken Major-General Riall,<sup>1</sup> and several other officers,

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state of the weather is favorable. I once heard Dr. Percival, the poet, describe with great fervor the appearance of a rainbow, formed by the moonbeams near midnight, on the spray of the cataract. Such a scene was indeed filled with the poetry of nature.

<sup>1</sup> Major Ketchum, of the 25th regiment of infantry, who died in the

prisoners, and then gallantly charged back, (cutting off a portion of the enemy's left wing,) reappearing, and resuming his position in line.

The battle had commenced before sunset. The twilight had gone, and the action was continued into the night. It was now nine o'clock. The enemy's right had been beaten back from its flank assault with great loss. His left was turned and cut off. His centre alone remained firm. It was posted on a ridge, and supported by nine pieces of artillery.

Another battalion of Drummond's reinforcements had

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army, August 30th, 1828, was the officer who personally made General Riall a prisoner. The British General was brought to Scott by Major Ketchum, and directions were given that the distinguished prisoner should be taken to the rear, and treated with the greatest possible kindness. Riall, badly wounded, lay some days at the same house in Williamsville, (eleven miles east of Buffalo,) with Scott, yet more severely crippled. The latter, as a special favor to himself, obtained permission from our government, for Riall to return to England on parole, and the same permission for Riall's friend, Major Wilson, also badly wounded, who had been captured at Chippewa. We have already said, that Scott obtained the same favor in behalf of a colonel made prisoner by him at Fort George, the year before. Such favors were, however, at that time, only granted by the American government; Sir George Provost and the British ministry never consented to place on parole, or to exchange a prisoner, after the Americans confined the twenty-three hostages in 1813.

Sir Phineas Riall has been promoted to a full general, (above the British rank of Lieutenant-General,) made a knight of several orders, appointed Governor of Tobago, and otherwise rewarded by his government. The major who returned to England with him is now Sir John Morillyou Wilson, and attached to one of the royal households. It was he who addressed a letter to General Scott in 1841, (which has been published,) respecting his Mississippi bonds, in which he had invested the little savings of forty years service, together with his wife's property, induced thereto by his unbounded confidence in the American character!

already arrived, and a fourth was only a few miles behind. Such was the state of the field, when Major-General Brown arrived, a little in advance of our reserve. He insisted on having all the particulars, reported to him previously by the detached staff-officers mentioned, explained and confirmed to him by the lips of Scott. At this point, General Brown in his official report<sup>1</sup> takes up the narrative, from his own personal observation. We select a few extracts in continuance of the history.

After speaking of Scott's brigade, and its position in the first part of the battle, he says—"Apprehending that these corps were much exhausted, and knowing that they had suffered severely, I determined to interpose a new line with the advancing troops, and thus disengage General Scott, and hold his brigade in reserve. Orders were accordingly given to General Ripley. The enemy's artillery at this moment occupied a hill, which gave him great advantages, and was the key to the whole position. It was supported by a line of infantry. To secure the victory, it was necessary to carry this artillery and seize the height. This duty was assigned to Colonel Miller.<sup>2</sup>

"He (Colonel Miller) advanced steadily and gallantly to his object, and carried the height and the cannon. General Ripley brought up the 23d, which had faltered, to his support, and the enemy disappeared from before them. \* \* \* \* The enemy rallying his forces, and, as is believed, having received reinforcements, now attempted to drive us from our position and regain his artillery. Our

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<sup>1</sup> Brown's Official Report, 6 Niles, 433.

<sup>2</sup> Afterwards Brigadier-General Miller, Governor of Arkansas, and collector at Salem, Massachusetts.

line was unshaken and the enemy repulsed. Two other attempts, having the same object, had the same issue. General Scott was again engaged in repelling the former of these ; and the last I saw of him on the field of battle, he was near the head of his column, and giving to its march a direction that would have placed him on the enemy's right. \* \* \* \* \* Having been for some time wounded, and being a good deal exhausted by loss of blood, it became my wish to devolve the command on General Scott, and retire from the field, but, on inquiry, I had the misfortune to learn that he was disabled by wounds;<sup>1</sup> I therefore kept my post, and had the satisfaction to see the enemy's last effort repulsed."

The crisis of this engagement was the moment when the enemy's battery, which from its position commanded the field of action, was stormed by Miller's regiment. The diagram exhibits the position of the troops at that moment. This charge was one of the finest achievements of the American army. General Brown said to the gallant Miller—"Sir, can you take that battery?" "I WILL TRY," was the reply of the bluff soldier—a phrase now become familiar to all American lips. Scott, who was perfectly acquainted with the ground, conducted Miller, in the darkness of the night, some distance, till he had the right direction. He then returned to renew the attack in front, in order to favor the movement of Miller.<sup>2</sup>

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<sup>1</sup> This was a mistake. Scott had been badly wounded an hour before, but not yet disabled. Having lost a second horse, he was now on foot, and was finally laid prostrate, by a ball through the left shoulder-joint, just at the close of the battle. Brown was taken from the field a few minutes earlier.

<sup>2</sup> General Brown, in his Official Report, does not claim the suggestion

The enemy's battery being taken, and the ridge previously occupied by the enemy being gained, the American army changed position. It was now drawn up nearly at right angles to the lane, with its back to the river. Scott was on the right, Ripley in the centre, and Porter, with the militia, on the left. In this new position, the American line generally acted on the defensive. The British desired to recover the ground they had lost, and made several assaults. These were as often repulsed; but the enemy would again rally and return to the charge.

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of the movement by Miller, and the successful assault on the enemy's artillery. Neither does he attribute it to any one else. He simply says, that it was necessary to carry the enemy's battery, and that Colonel Miller was assigned to this task. The fair inference from the report of Brown is, that he did not feel certain, or assured, as to who, if any one in particular did, *suggest* the idea of this charge. Armstrong, in his Notices of the War, says, that "the attention of all" was drawn to the British battery, and that "the senior engineer (McRee) gave his decided opinion that it was necessary to the success of the day 'to storm the British battery.'" (Armstrong's Notices of the War of 1812, vol. ii. p. 92.) But this does not affirm who made the suggestion. It only affirms that this was McRee's opinion, and so it was. An officer of the staff in that battle stated to us, that he thought the idea was advanced by McRee who, meeting Brown coming up, stated this to the commander. But, at the same time, the necessity of such a charge was so obvious, that all assented to it at once. We deem it immaterial to the purpose of this history, who made an abstract suggestion of that charge, when it is so well known who were the efficient actors on that bloody field. Scott was better acquainted with the ground than any other man; and when the charge was made, he conducted Miller in the darkness of the night to the gap, where he turned up Lundy's Lane. This fact affords some reason to believe that the idea originated with Scott himself; but it is quite probable, that such was the instant and obvious crisis of the battle, that several minds seized upon it at the same time, a fact that is by no means uncommon in regard to new suggestions.

It was in one of these contests General Brown had last seen Scott. About that time, the latter had twice formed small portions of his brigade into column, advanced, charged the British line, also advancing, pierced it, and compelled it to fall back.<sup>1</sup> In such a battle, with such impetuous courage, Scott was necessarily exposed to all the dangers of the field. Two horses were killed under him. In the midst of the action, he was wounded in the side. At eleven o'clock in the night, he was disabled by a wound from a musket-ball through the left shoulder. His aid, Lieutenant Worth, and his brigade-major, Smith, were also both severely wounded.

The contest closed by the possession of the field of battle by the Americans, and the capture of the enemy's cannon.

The world has seen mightier armies moved over more memorable fields, and followed by louder notes of the far-resounding trumpet of fame; but a bloodier scene for those engaged,<sup>2</sup> a severer trial of courage and of discipline, or one whose action was more closely associated

<sup>1</sup> Armstrong's Notices, vol. ii. p. 92.

<sup>2</sup> The troops engaged on the American side were the same as composed General Brown's army on crossing the Niagara. The British had, however, been reinforced by the 89th regiment, the 103d, and the 104th. The losses on both sides were as follows—

| <i>American Loss.</i> |     | <i>British Loss.</i> |     |
|-----------------------|-----|----------------------|-----|
| Killed,               | 171 | Killed,              | 84  |
| Wounded,              | 572 | Wounded,             | 559 |
| Prisoners,            | 117 | Prisoners,           | 235 |
| Total,                | 860 | Total,               | 878 |

These numbers are taken from the official reports.

with the sublime and beautiful in nature, the world has not seen. The armies were drawn out near the shores of that rapid river whose current mingles lake with lake. Hard by, was that CATARACT whose world of waters rushes over the precipice, and, rushing, roars into the gulf below ! The ceaseless spray rises up, like incense to the eternal Father ! The beams of sun, and moon, and stars, fall ceaselessly on that spray, and are sent back in many-colored hues to the source of light ! So was it when, wheeling into the field of battle, the slant beams of the setting sun, returning from the spray, encircled the advancing column with rainbow colors ! The sun went down, to many an eye, no more to rise on earth !

With the darkness came the greater rage of battle—charge after charge was made. For a time the faint beams of the moon struggled with the smoke, and gave a little light to the combatants ; but it was but little. The moon itself became obscured, and no light, save the rapid flashes of musket and cannon, pierced the heavy clouds.

The fight raged in the darkness of the night. From the height on the ridge, the battery of the enemy still poured its deadly fire.

It was then that the gallant Miller said, “ I will try.” It was then that Scott piloted his column through darkness to Lundy’s Lane. It was then that brave regiment charged to the cannon’s mouth. The battery was taken. The victory rests with the American army.

It was midnight. The battle is ended. The army, faint and weary, drags itself from the bloody plain.<sup>1</sup>

<sup>1</sup> Brown’s Official Report (6 Niles, 434) says—“ While retiring from the field, I saw and felt that the victory was complete on our part, if proper measures were promptly adopted to secure it. The exhaustion of

The well sink to their couch to dream of homes far away!<sup>1</sup> The wounded groan in their painful hospitals. The dead rest till the last trumpet shall summon them to the last array! The warrior, with his garments rolled in blood, has left the scene of struggles, pains, and death! Some kind friend may have sought him, whether alive or dead; but the war-drum had ceased to beat; the artillery ceased to roll; and now the solemn, sonorous fall of Niagara is to the dead their requiem, and to the living their song of glory!

The battle of Niagara has been, by mistake or accident, commonly called in the United States, the battle of Bridgewater.<sup>2</sup> In the official report of the British general it was called the battle of Lundy's Lane. It has been usage, however, to call a battle, or other important event, from the most remarkable object near the scene of action.

the men was, however, such as made some refreshment necessary. They particularly required water."

<sup>1</sup> The "Soldier's Dream," under circumstances like these, has been the theme of one of Campbell's most beautiful productions—

"And thousands had sunk on the ground overpowered,  
The weary to sleep and the wounded to die.

\* \* \* \* \*

"At the dead of the night a sweet vision I saw,  
And thrice ere the morning I dreamt it again.

"Methought, from the battle-field's dreadful array,  
Far, far, I had roamed on a desolate track;  
'Twas autumn, and sunshine arose on the way  
To the home of my fathers, that welcomed me back."

<sup>2</sup> About a mile above the field of battle and the Falls, there are mills on a side-cut called the Bridgewater Mills. A postmaster attached to the army, on the American side of the river, wrote a letter to the interior,

Fought, as this battle was, near that mighty cataract which makes one of the wonders of nature, on either side of the Atlantic ; fought too with a courage and a constancy worthy of such an association, why should it not be named from those loud, sounding waters ? Let it then be called, THE BATTLE OF NIAGARA.<sup>1</sup> Let the memory of the dead,<sup>2</sup> and the fame of the living, roll on with those waters to the distant future !

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saying, a great battle was then raging (10 o'clock at night) near those mills. The universal publication of that letter, before any official report, caused the confusion in the name of this action.

<sup>1</sup> NIAGARA was the name given to this battle in the *Albany Argus*, (See 6 Niles, 414.) "It commands," says the Argus, "like the achievements of our naval heroes, the admiration of all classes of the American people, a few excepted."

<sup>2</sup> The late poem, FESTUS, by Mr. Bailey, has the following lines—

—————“No ! the brave  
Die never. Being deathless, they but change  
Their country’s arms for more—their country’s heart.  
Give then the dead their due—it is they who saved us.”

## CHAPTER X.

1814.

Retreat of the American Army.—Drummond besieges Fort Erie.—Assault of the British on Fort Erie.—Sortie of the Americans from Fort Erie.—Retreat of the British army.—Close of the Campaign.

WE must leave, for a time, the wounded Scott to the applause of his countrymen, so richly deserved, and so freely bestowed, while we briefly describe the closing deeds of the army of Niagara. We have accompanied it through so many scenes of danger and of glory, that we cannot abandon it till the peace, which occurred but six months subsequently, relieved it from the toil and trouble, the hazards and difficulties of war.

General Brown had been taken, wounded, from the field of Niagara. Towards the close of the battle, Scott also, twice wounded, and now exhausted, was borne out of the action.

General Brown did not, however, at once resign the command.<sup>1</sup> He directed General Ripley to return to camp, after bringing off the dead, the wounded, and the artillery.<sup>2</sup> This was done, but unfortunately, for the want of horses, harness, and drag-ropes, the captured artillery of the enemy was left behind<sup>3</sup>—a circumstance much regretted.

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<sup>1</sup> Brown's Official Report.

<sup>2</sup> Armstrong's Notices of the War, vol. ii. p. 94.

<sup>3</sup> Idem.

The army fell back to Chippewa, and there converted the works thrown up by the enemy into defences against him. On the report that General Drummond, at the head of a heavy British column, was fast approaching, the American camp was hastily broken up, its position abandoned, and a retreat made to the ferry, opposite Black Rock. At this point General Brown ordered the division to remain at Fort Erie, directed the engineers McRee and Wood to repair the old fort, and make such defences as were in their power; at the same time ordering Brigadier-General Gaines to assume the command.<sup>1</sup>

A week after this, on the 3d August, General Drummond appeared in the neighborhood of Fort Erie, and, finding it impossible to carry it by storm, was compelled to make a regular investment.

Between the 3d and 12th of August, Drummond employed himself in endeavoring to cut off the American provisions, and in the preparatory measures of opening trenches, and establishing batteries.<sup>2</sup> On the morning of the 13th, he commenced a cannonade and bombardment. This was continued through the day, renewed in the morning of the 14th, and continued till seven o'clock in the evening; but without any serious injury to the American works. On that day, General Gaines doubled his guards, and prepared to receive an assault. At two o'clock on the morning of the 15th, a heavy British column was found approaching Towson's battery, stationed at the northwest angle of the work, where it was received by the cannon of Towson, and the musketry of the 25th

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<sup>1</sup> Armstrong's Notices, vol. ii. pp. 96-97.

<sup>2</sup> Idem. General Gaines's Official Report.

regiment, under the gallant Major Wood, and effectually repulsed. A second attack was also repulsed, when the British column changed its direction and attacked the western angle, but with as little success.

In the mean time the central column of the enemy pressed on the line of intrenchment between the batteries of Towson and Williams; but, like the first column, it was soon checked. The British third column was, for a time only, more successful. After several repulses, it got possession of the exterior bastion of the old fort. The Americans attempted to regain it, but failed. Just at this moment, a quantity of cartridges in a small stone building within the bastion, exploded, scattering death and confusion around, and expelling the British from the fort.<sup>1</sup> They suffered severely, having left behind a large number of killed, wounded, and prisoners.<sup>2</sup> In fine, the British were most gallantly and effectually defeated, in their attempt to storm Fort Erie.

On the 2d of September, General Brown, though not yet recovered from his wounds, resumed the command of his division. After a full examination of the topographical position of Drummond's lines, he thought a bold and

<sup>1</sup> Gaines's Official Report, 7 Niles, 19.

<sup>2</sup> The relative loss of the British and Americans may be thus stated from official reports—

| <i>American Loss.</i>               |          | <i>British Loss.</i>                 |           |
|-------------------------------------|----------|--------------------------------------|-----------|
| Killed,                             | 17       | Killed,                              | 57        |
| Wounded,                            | 56       | Wounded,                             | 309       |
| Missing,                            | 11       | Missing,                             | 539       |
| Total,                              | <hr/> 84 | Total,                               | <hr/> 905 |
| Adjutant-General Jones's<br>Report. |          | Adjutant-General Baynes's<br>Report. |           |

vigorous sortie might do more than mere defence, in relieving the American army from the siege of the enemy. Accordingly, on the morning of the 17th of September, General Brown paraded his troops, to the number of about two thousand, in nearly equal proportions of regulars and militia, for a sortie on the enemy's works. The army of Sir Gordon Drummond had then invested Fort Erie regularly, for about fifty days.<sup>1</sup> During that time, they had erected regular lines and batteries. They had bombarded the American defences, and made, as we have seen, an unsuccessful attack upon them. At this time they had erected two batteries, and were about to open a third.<sup>2</sup> Their force was divided into three brigades, each of which in turn guarded the batteries, while the other two were encamped about two miles distant, out of reach of the American cannon, but near enough to support the troops at the batteries.

In this position of affairs, General Brown determined to storm the batteries, destroy the cannon, and defeat the brigade.<sup>3</sup> At half-past two, P. M., of the 17th, the American columns sallied out, and the action commenced. So successful was this enterprise, that in thirty minutes from its commencement, batteries numbered 2 and 3 were in possession of the Americans, with two blockhouses. Soon after, No. 1 was abandoned, and the magazine of

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<sup>1</sup> General Brown's Official Report, 7 Niles, 100.

<sup>2</sup> Idem.

<sup>3</sup> This is General Brown's declared object, as stated in his official letter. The loss of the respective parties was nearly as follows: the American Official Report gives—killed, 79; wounded, 216; missing, 216; total, 511. We have not the official British report; but the prisoners taken by the Americans were returned, by the inspector-general, at 385. General Brown stated their total loss at near a thousand.

No. 3 blown up. The cannon were spiked or dismounted. All the labor of the previous investment was destroyed. So great was the British loss, that it became apparent, that the siege of Fort Erie could no longer be protracted with any hope of success.<sup>1</sup>

Accordingly, Lieutenant-General Drummond broke up his camp during the night of the 21st of September, and retired to his intrenchments behind the Chippewa.<sup>2</sup>

By the 10th of November, the American army retired into winter-quarters, at Buffalo, and the war on the Niagara frontier was in fact ended. During the year 1814, it had been a succession of brilliant military actions, in which much blood was shed, and much of courage, skill, and energy, exhibited. Taken all and all, no campaign in American history has displayed more of the qualities of mind and body, art and science, which are necessary to the character of a true soldier, or the success of an army in action. In a little less than three months the army of Riall and Drummond, twice renewed and reinforced by troops sent from Europe, had been defeated in four pitched battles! In the two first of these, CHIPPEWA and NIAGARA, where the armies met in open field fight, SCOTT was the real leader, the man, as Brown said in his report, to whom, more than to any other, victory was due. In the two last actions, the same army was engaged; and, without diminishing aught of the praise or glory due to others, may it not be said, that the discipline he had inculcated, and the noble example he had given, were the parents of that energy and good

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<sup>1</sup> Brown's Official Report, 7 Niles, 100.

<sup>2</sup> Idem.

conduct with which the army of Niagara continued to renew its glory and freshen its laurels?

The zeal, courage, firmness, and discipline, with which troops perform the business of a campaign, encounter its bloody issues, and endure the perils alike of death or defeat, do not depend on numbers, or on results; but on the intrinsic qualities of the action, and the degree of its danger, detriment, or difficulty. Thus, in the combats on the Niagara frontier, there was extreme personal danger, there was great coolness and self-command in action, and there was a discipline and a fortitude, which could hardly be surpassed in the most veteran armies, under the most experienced commanders.

In the descriptions we have given of the several battles the numbers engaged on either side are stated in each one, as near as the materials preserved by history will allow us to estimate. Both armies were, however, successively reinforced by fresh troops. It is therefore difficult to say how many, in all, were engaged. If we say that, in the course of the campaign, there were six thousand men engaged on each side, we shall, probably, not be far from the fact. The tabular view in the note, of the killed, and wounded, and prisoners, will afford a comparative view of the losses, relative to each army, and to the aggregate of both.<sup>1</sup>

|                                                    | American Loss. | British Loss. |
|----------------------------------------------------|----------------|---------------|
| BATTLE OF CHIPPEWA, fought 5th July, 1814,         | 328            | 507           |
| BATTLE OF NIAGARA, fought 25th July, 1814,         | 860            | 878           |
| ASSAULT ON FORT ERIE, 15th August, 1814,           | 84             | 905           |
| SORTIE FROM FORT ERIE, 17th September, 1814, about | 800            |               |
| Total,                                             | 1,783          | 3,090         |

The British loss is greater than the American in about the ratio of three to two. If, as we have supposed, the total number of troops engaged in the several battles, on both sides, was about twelve thousand, it follows that nearly one half this whole number were among the killed, wounded, and prisoners ! This is a loss exceeding, in proportion, that of the most bloody battles of Napoleon.<sup>1</sup>

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<sup>1</sup> A brief notice of some of the officers who survived the Niagara campaign, and who have not been before specifically referred to, may not be unacceptable in this place.

1. The commander, *Brown*, so much distinguished, was called to Washington as general-in-chief of the whole army, in 1821. He was crippled by paralysis the same year, and died February 24, 1828.

2. *E. W. Ripley*, resigned, a major-general, by brevet, May, 1820 ; subsequently was a member of the twenty-fourth Congress, from Louisiana, and died March 2, 1839.

3. *Hugh Brady*, now long a brigadier-general, by brevet.

4. *Wm. McRee*, resigned, a colonel, March, 1819 ; appointed surveyor-general of Missouri, &c. ; died of cholera, in 1832.

5. *Thomas S. Jesup*, now long quartermaster-general of the army, with the brevet of major-general.

6. *Henry Leavenworth* died a brigadier-general, by brevet, July 21, 1834.

7. *John McNiel*, resigned, a brigadier-general by brevet, April 23, 1830 ; now surveyor, &c., o' the customs at Boston.

8. *Jacob Hindman*, died at Baltimore, a colonel, February 17, 1827.

9. *Roger Jones*, at present (and long) adjutant-general of the army, and brigadier-general by brevet.

## CHAPTER XI.

1814 TO 1817.

Scott's Journey from Niagara to Philadelphia.—Is received at Princeton with Honors, by the Faculty and Students of Nassau Hall.—Receives the Honorary Degree of Master of Arts.—Pleasing Incident at Commencement.—Scott's Journey to Europe.—Is intrusted with Diplomatic Functions.—Correspondence with Kosciusko.—His Marriage.

WE last saw Scott on the field of Niagara. He was borne from that scene of glory, to the care of nurses and surgeons, a wounded and suffering soldier. He had been wounded, as we have narrated, first by a spent ball, in the side, and next by a musket-ball which passed directly through the left shoulder. The last was a wound in its nature serious and painful. His recovery was, for a month, very doubtful. He lay, in great agony, at Buffalo and Williamsville. He was then removed to the house of his kind friend, Mr. Brisbane, in Batavia.

By the nursings of this amiable family, he became able, at the end of some weeks, to bear the motion of a litter. In that way he was taken, on the shoulders of some of the gentlemen of the country, who relieved each other from town to town, to the house of another excellent friend, the late Hon. John Nicholas, of Geneva. Here again, nothing was left unattempted which skill and kindness could devise, for the restoration of the wounded soldier.

His object was to reach Philadelphia, and there place himself under the care of that distinguished surgeon, the late Dr. Physick, and the no less distinguished physician of the same city, Dr. Chapman. Both of these gentlemen have taken a patriotic delight in ministering professionally, and in every case where the patient has permitted them to do so, gratuitously, to those who have sustained injuries in the cause of their country.<sup>1</sup>

At this time, September, 1814, Philadelphia and Baltimore were threatened with an attack of the enemy.<sup>2</sup> Crippled though he was, Scott, at the instance of the delegations in congress from Pennsylvania and Maryland, was requested by the war department to take at least the nominal command of the troops assembled for the defence of those cities. Accompanied by his aid-de-camp Worth, (then promoted to be major for gallant actions, and since general,) the hero of Chippewa proceeded slowly to the Atlantic. Everywhere on the route, the suffering representative of the army of Niagara was received, by patriotic citizens, with the highest evidences of their esteem.

At the classic and memorable ground of Princeton, an incident occurred, alike adapted to cheer the heart of the disabled soldier, and give propriety and freshness to his reception on the spot, where the muse of history has

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<sup>1</sup> Dr. Physick was quite remarkable for his regard for those in the public service, and their families, refusing compensation from the families of officers engaged in public service. Dr. Chapman equally merits the gratitude of the army for similar liberality and kindness.

<sup>2</sup> The British had previously been repelled from Baltimore; but a new attack was anticipated.

not disdained to dwell in the humble abodes of philosophy.<sup>1</sup>

The annual commencement at the College of New Jersey (Nassau Hall) happened to occur on the day Scott reached Princeton. Upon quitting the carriage, he was supported to a bed, intending, by easy stages and proper care, to reach Philadelphia. It was soon whispered about, that General Scott had entered the town. The faculty of the college immediately sent a deputation to the hotel to invite his attendance at the church. He suffered himself to be carried thither. Pale and meager, his left shoulder swollen and bandaged, his arm in a sling, and his furred surtout flung over his person, the invalid with difficulty ascended the stage where the exercises were performed.

There, the president, trustees, and other dignitaries of the college, were waiting his slow approach, amidst learning, beauty, and fashion, collected from far and near. The hands and kerchiefs of the ladies, as well as the voices of men, including hundreds of enthusiastic students, were in constant exercise. The rafters of the old edifice rang and re-echoed with applause.

In Nassau Hall, it is customary to select the most graceful and elegant speaker to deliver the valedictory address. On this day, the orator of the valedictory was

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<sup>1</sup> General Mercer fell on the battle-ground of Princeton. His full-length portrait is, or was, hung in the chapel of Nassau Hall, reviving continually in the minds of its students, memories of the glorious Revolution. President Witherspoon left these academic shades of Princeton to join the revolutionary congress, and there he put his name to that immortal instrument which shall endure while the history of nations shall endure.

Bloomfield M'Ilvaine, Esq.<sup>1</sup> His theme was "The public duties of a good citizen in peace and war"—a subject well adapted to the then situation of the country, and not improper at any time. Towards the close of his oration, the speaker turned to Scott, and in the most graceful and extemporaneous oratory, made him the personification of the civic and heroic virtues. Nothing could have been more happily adapted to the person and the subject. The sympathies of the audience burst forth in applause, alike to the young and disabled general who was personified, and to the eloquent and enthusiastic student whose ready genius had paid so just and beautiful a tribute.

After a brief consultation by the president and trustees of the college, General Scott was complimented with the honorary degree of Master of Arts. Coming from the trustees of New Jersey College, this was a meaning and pointed compliment. They had never made the mistake of conferring honorary degrees inapt to the person complimented and the services rendered. As a member of the bar, distinguished in another line, for the science as well as the art of war, the honorary degree of Master of Arts was deserved, and it was not foreign to the desert.

At Philadelphia, Governor Snyder marched out, at the head of a division of militia, to receive him. From thence, Scott passed on to Baltimore,<sup>2</sup> then threatened with an-

<sup>1</sup> Bloomfield M'Ilvaine (since dead) became an eminent lawyer of Philadelphia. He was the brother of Charles M'Ilvaine, Episcopal Bishop of Ohio; also of Joseph M'Ilvaine, Recorder of Philadelphia; and of two others, one a merchant in the West, and the other also a lawyer in Philadelphia.

<sup>2</sup> The attack on Baltimore took place between the 11th and 15th September, 1814.

other attack from the British, where his shoulder was finally healed, by that distinguished surgeon Dr. Gibson, now a professor in the University of Pennsylvania.

On the 16th of October, 1814, he assumed the command of the tenth military district, whose head-quarters were at Washington City.<sup>1</sup> Here, and at Baltimore, he passed the early part of the winter of 1814-15, the time which intervened before the arrival of the treaty of peace. At that time, he was called upon to furnish plans for the general conduct of the anticipated campaign of 1815, as well as a particular one for the northern frontier.

In February, 1815, the treaty of peace arrived in Washington.<sup>2</sup> Soon after this, General Scott was inquired of, whether he would take the department of war, as its secretary. This he declined, cheerfully admitting to the president, that he was *too young* for that. He was then requested to act as secretary, holding his rank in the army, till the arrival of the Hon. William H. Crawford, (then minister at Paris,) who received the appointment. This also he declined, from feelings of delicacy towards his seniors, Major-Generals Brown and Jackson, the secretary being at that time, under the President, the immediate commander of the army.<sup>3</sup>

About this time also, he assisted in reducing the army

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<sup>1</sup> General Orders, 16th October, 1814, 7 Niles, 95.

<sup>2</sup> The Treaty of Peace was signed the 24th December, 1814, and ratified by the Senate, 17th February, 1815. See Treaty, 7 Niles, 397.

<sup>3</sup> By article 2d, section 2d, of the Constitution of the United States, the President is the commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into actual service. This power he can exercise through subordinates, and does so, by the military degrees, from secretary downwards.

from the war to the peace establishment, a service of no small delicacy. This performed, and being yet feeble from his wounds, he went to Europe, by order of the government, both for the restoration of his health and for professional improvement.

He was also confidentially intrusted with diplomatic functions, of which the object was to ascertain the temper and views of certain courts, respecting the revolutionary struggles then commenced in the Spanish provinces of America, and the apprehended designs of Great Britain upon the island of Cuba, both at that time subjects of no little solicitude to the cabinet at Washington.<sup>1</sup> For this purpose he was furnished with letters to some of the ministers, or other principal men, in Russia, France, and England. He succeeded so well in executing his instructions, that President Madison caused the Secretary of State to write him a very particular letter of thanks for the information communicated.

In the course of his abode in Europe, he received, through Baron Hottingeur, an autograph letter from the renowned Kosciusko. It was addressed to the baron, at Paris. Having procured a copy, we insert it here, in regard both to him who wrote it, and him to whom it was written.<sup>2</sup>

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<sup>1</sup> It was about eight years subsequent to this period, and with a view to the same subjects, President Monroe promulgated his declaration, that the continent of America was no longer the subject of European colonization.

<sup>2</sup> Kosciusko is one of the few names not born to die. There have been few persons in modern times more widely known, or renowned, than the hero of Poland. He was connected with two revolutions—that of America and that of Poland. The melancholy issue of the last has connected him with both the affections of grief and admiration, drawing at once a laurel

## TRANSLATION.

“ Sir—

May I beg you to express to General Scott my great regrets that, owing to a severe indisposition, I am unable to leave Soleure;<sup>1</sup> otherwise it would afford me the highest gratification to meet him half way between this and Paris, to make his acquaintance ; the more so as

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from history and a sigh from song. The last hast been so impressively fixed on the American mind, by the muse of Campbell, that his lines are almost as familiar as the tales of the nursery—

“ Oh ! bloodiest picture in the book of time,  
Sarmatia fell, unwept, without a crime ;  
Found not a generous friend, a pitying foe,  
Strength in her arms, nor mercy in her wo !  
Dropped from her nerveless grasp the shattered spear,  
Closed her bright eye, and curbed her high career !  
Hope, for a season, bade the world farewell,  
And freedom shrieked *as Kosciusko fell !* ”

Kosciusko died, just two years after the above letter was written to Scott, it is said by a fall from a horse.

At no more than twenty years of age, he was appointed a colonel of engineers in the American service, and as such, served in our revolutionary war. He fortified the camp of General Gates, in the campaign against Burgoyne, and subsequently erected works at West Point. After the Revolution in Poland, he revisited the United States, where he was received with honor, and had also a grant of lands from Congress. He returned to West Point, and there made a little garden on a shelf of rock looking down on the Hudson, and overhung with the evergreen cedar. With the evergreen he mingled the lilac and the rose. There, on a neighboring point, the cadets of the military academy have erected his monument, of white marble, shining in the sunbeam. His only epitaph is “ *Kosciusko.* ”

<sup>1</sup> Kosciusko was then in Switzerland, where he died, on the 16th of October, 1817.

he is charged by his government with the collection of information upon military subjects. I have done myself the pleasure to introduce him to Monsieur Carnot, as a general more capable than any other to give him clear and precise ideas upon military matters, as engineering, and the choice of books proper to form a library for the study of those subjects. I have also given him letters to the Marshals McDonald, Oudinot, Dupont, &c. They will be able to enlighten him upon the subject of the greater operations of armies; what positions to seize, and how to defend them; and finally what measures are necessary in all possible cases, to procure supplies and ammunition for an army, and the best methods to discipline the troops.

Be pleased to convey my compliments to General Scott, and especially for his victories in Canada. I hope the Americans will follow his example—his courage, his energy, and his virtues.

Accept the assurances of my  
distinguished consideration,  
T. KOSCIUSKO.”

SOLEURE, 12th October, 1815.

General Scott made good use of his opportunities for society and instruction, while in Europe. He arrived in France, by way of England, soon after the battle of Waterloo. There he associated much with the distinguished men of letters and of science in Paris. He attended courses of public lectures, visited the fortresses and naval establishments in the west of Europe, and returned home in 1816, taking Great Britain on his way.

On the arrival of General Scott in the United States,

he was assigned to the command of the seaboard. His head-quarters were at the city of New York. In that city, and near it, at Elizabethtown, New Jersey, and in the same command, with the exception of two years in the West, he resided during the next twenty years.

In March, 1817, General Scott was married to Miss MARIA MAYO, daughter of John Mayo, Esq., of Richmond, Virginia—a lady whose charms and accomplishments are widely known. They have had several daughters, but no living son.

## CHAPTER XII.

Scott's Promotions.—Resolution of Congress.—Presentation of the Medal by President Monroe.—Inscription.—Resolutions of Virginia.—Scott's Correspondence with Governor Nicholas.—Resolutions of New York.—Presentation of a Sword, and the Address, by Governor Tompkins.—Scott a Member of the Cincinnati.

THE war of 1812 being now ended, and Scott having passed from the battle-field to the domestic fireside, it is fit we should here review some of the promotions, compliments, and honors, which his country and countrymen, at various times, bestowed upon him, for his gallant and successful conduct. Whether it be a weakness or an infirmity of human nature, as some suppose, or a right and generous emotion of justice and gratitude, as others think, it is certainly a natural and universal element of human society, to reward with uncommon honors those who have risked their lives, and endured hardships for their country. If it be sweet and decorous, as the poet thought, to die for one's country,<sup>1</sup> mankind seem to be agreed, that it is equally decorous and honorable to reward those who have offered to die and yet survived, for the hazards they encountered and the sufferings they endured.

Scott entered the army in 1808, at twenty-two years of age. In 1814, when only twenty-eight, he had ascend-

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<sup>1</sup> “——dulce et decorum est pro patria mori.”

ed to the highest military rank, that of major-general, which is attainable in the United States. In a very short time also, he was distinguished by honors and memorials, from various civil bodies and public authorities, such as have been seldom conferred upon one person, and upon one so young—perhaps never.

In the spring of 1812, when, at the near prospect of war, the army was augmented, and while Scott was yet in New Orleans, the Virginia delegation in Congress presented his name to the executive for a lieutenant-colonelcy. President Madison remarked, that he knew Scott, and thought highly of his merits; but that he was *too young* for a greater rank than that of major. The objection was, however, overcome, and he was made lieutenant-colonel.

His conduct in the campaign of 1812, already narrated, brought his name again before the President for the appointment of colonel. This promotion was strongly urged by certain general officers of the army, and by the then Secretary of War, General Armstrong. The President now admitted, that Scott had shown himself an excellent lieutenant-colonel, but doubted whether he was old enough to command a double regiment—the second artillery. He was, however, appointed to the vacancy on the 2d of March, 1813.

After the campaign of 1813, Scott was again brought forward by the same parties who had urged his promotion before. Mr. Madison again made the same admission and objection as before, and again yielded. Scott was appointed brigadier-general, March 9th, 1814, in his twenty-eighth year.

In a little more than four months from that date, the

battles of CHIPPEWA and NIAGARA were fought and won. Then, Scott's name was uttered by all voices. It was presented, of course, for further promotion. There was but one higher grade. The President replied with a smile—"Put him down a major-general. I have done with objections to his youth!"

The testimony of legislative bodies, and of men engaged in civil and peaceful duties, to the merit and services of Scott, were not less strong than those of the executive and the military functionaries.

Near the close of the war, Nov. 3d, 1814, Congress passed a vote of thanks, in which Scott was not only specifically complimented for his skill and gallantry, in the conflicts of Chippewa and Niagara, but *for his uniform good conduct throughout the war*—a compliment paid by Congress to no other officer.

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RESOLUTION OF CONGRESS, APPROVED NOV. 3D, 1814.

"*Resolved*, that the President of the United States be requested to cause a gold medal to be struck, with suitable emblems and devices, and presented to Major-General Scott, in testimony of the high sense entertained by Congress of his distinguished services, in the successive conflicts of Chippewa and Niagara, and of his uniform gallantry and good conduct in sustaining the reputation of the arms of the United States."

The medal thus ordered by Congress, was not presented till the close of Mr. Monroe's administration. On that occasion, the following proceedings took place :

Executive Mansion, February 26, 1825 ;  
in the presence of the Cabinet, and of  
many other distinguished persons. }

PRESIDENT MONROE'S ADDRESS.<sup>®</sup>

“ General Scott—Your conduct in the late war merited and obtained, in a high degree, the approbation of Congress and your country. In the battles of Chippewa and Niagara, in Upper Canada, in the campaign of 1814, your daring enterprise and gallantry in action were eminently conspicuous.

“ In rendering justice to you, I recur with pleasure to the report made of those actions by the military commander, the most competent judge of your merit. In the battle of Chippewa, he says, you are entitled to the highest praise your country can bestow; and that we are indebted to you, more than to any other person, for the victory obtained in it.

“ In the battle of Niagara you commenced the action, and your gallantry in several severe encounters, until disabled by severe wounds, was equally distinguished. As a testimonial of the high sense entertained by Congress of your merit in those actions, I have the pleasure to present you this medal.”

## MAJOR-GENERAL SCOTT'S REPLY.

“ With a deep sense of the additional obligation now contracted, I accept, at the hands of the venerable chief magistrate of the Union, this classic token of the highest reward that a freeman can receive—THE RECORDED APPROBATION OF HIS COUNTRY.

"If, in the resolve of Congress, or in your address, sir, my individual services have been over-estimated, not so the achievements of that gallant body of officers and men, whom in battle it was my good fortune to command, and of whom I am, on this interesting occasion, the honored representative.

"Very many of those generous spirits breathed their last on the fields which their valor assisted to win; and of the number that happily survive, there is not one, I dare affirm, who will not be ready in peace, as in war, to devote himself to the liberties and the glory of the country.

"And you, sir, whom I have the honor officially to address for the last time;<sup>1</sup> you who bled in the first, and powerfully contributed to the second War of Independence; you who have toiled fifty years to rear and to establish the liberties of this great republic—permit an humble actor in a much shorter period of its history, to mingle his prayers with those of millions, for the happy but distant termination of a life, of which, as yet, others have enjoyed the distinguished benefits, whilst the cares have been all your own."

The medal is a beautiful specimen of the numismatic art. It is large and of massive gold. The drawing shows both faces of the medal and its exact dimensions. The portrait of the general, in relievo, is true to life. The inscription on the reverse face, as shown in the drawing,

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<sup>1</sup> Mr. Monroe retired from the presidency only five days later than this presentation, on the 3d March, 1825.

It was the melancholy fortune of General Scott to close the eyes of the venerable ex-president, in New York, at three P. M. of July 4th, 1831.

It is one of the most singular incidents in history, that Adams, Jefferson, and Monroe, should all have died on July 4th.

is surrounded with a wreath of palm and laurel, entwined about a serpent formed into a circle—emblem of youth and immortality, or youth crowned with victory. It is a cherished memorial of national gratitude.

There is an incident connected with this medal which we cannot forbear to relate. It is not an item of general history, and possibly may not be interesting to the general reader. It illustrates, however, a great principle of human action. It indicates how deeply the feeling of reverence for distinguished and brilliant services sinks into the heart, and how pure that feeling may remain when other and kindred virtues have yielded to temptation.

This medal was deposited by General Scott many years since, for safe keeping, in the City Bank of the city of New York. Some time after, the bank was entered by false keys, and robbed of bullion and other funds to the large amount of two hundred and fifty thousand dollars.

The first clerk, on entering the bank the day after the robbery, discovered that the safe had been forced, and soon ascertained the extent of the loss. On examining the trunk in which the medal was deposited, he found, to his surprise and delight, that the medal was safe, though every dollar of the bullion deposited with it had been taken. The matter was inexplicable to the officers of the bank. The robber had burst open the trunk, stripped it of its valuable contents, opened the case which enclosed the medal, and yet left that large piece of massive gold behind. No motive could be discovered for such an act. The robber was finally arrested, the funds recovered, and the law satisfied by a full term of service in the state prison.

At a subsequent period, in passing down the Hudson



River, on board a steamboat, General Scott's purse was abstracted from his pocket. The fact being made known to the chief of the police, the money was soon discovered and restored. It was during the progress of this investigation that the burglar who had robbed the City Bank reproached his confederates with their want of honorable bearing. He said, "that when he took the money from the City Bank he saw and well knew the value of the medal, but scorned to take from the soldier what had been given by the gratitude of his country."

This incident is a curious phenomenon in the operations of the human mind. A man who made theft and robbery his profession, and felt no compunctions in seizing on the property of others, gropes his way with a dark lantern, through damp vaults and narrow passes, until at length he reaches the object of his hopes. He breaks the locks, and his dim light discovers bags of gold. He seizes them with avidity. In his search he discovers the medal of a patriot soldier. One current of virtuous feeling had not been corrupted. He replaces the treasure, and rejoices that he yet loves his country and honors her defenders.

In February, 1816, both houses of the Virginia legislature passed unanimously a vote of thanks to General Scott, for his uniform good conduct in the war. At the same time the governor was directed to procure a suitable sword, with proper emblems and devices, and have the same presented to him as a memorial of their high estimation of his conduct.

#### RESOLUTIONS OF THE VIRGINIA LEGISLATURE.

*"Resolved unanimously, by the Senate and House of Delegates of the Commonwealth of Virginia, in general*

assembly convened, that the governor be, and he is hereby requested, to present the thanks of this general assembly to Major-General WINFIELD SCOTT, a native citizen of this state, for his uniform good conduct in sustaining the military reputation of the United States, in every conflict or engagement in which he was present during the late war with England, but more especially in the successive engagements of Chippewa and Niagara.

*“Resolved, also unanimously,* that the governor be, and he is hereby requested to cause a suitable sword, with proper emblems and devices thereon, to be presented to Major-General SCOTT, as a mark of the high opinion this assembly entertains of his gallantry and distinguished services, in the battles of Chippewa and Niagara.

*“Resolved, also unanimously,* that the governor be, and he is hereby requested to forward to MAJOR-GENERAL SCOTT a copy of these resolutions, and to present, through him, the thanks of this assembly to his gallant associates in arms, during the campaign of 1814.

“Unanimously agreed to in both houses,  
February 12, 1816.

Wm. MUMFORD, C. H. D.”

LETTER FROM GOVERNOR NICHOLAS OF VIRGINIA, TO GENERAL SCOTT.

“RICHMOND, May 31, 1816.

“Sir—

I have the honor to communicate to you the enclosed Resolutions of the General Assembly of Virginia, by which they unanimously testify their high sense of your gallant services, in every conflict or engagement in which you were present during the late war with England, and

especially in the successive engagements of Chippewa and Niagara. The sentiments of the General Assembly are best expressed by their resolutions; but I cannot deny myself the pleasure of declaring how cordially I concur in their testimony to your distinguished merits, and of expressing my earnest hopes, that you may long continue to enjoy the fruits of your well-earned reputation. I beg leave, through you, sir, to present the thanks of the General Assembly of Virginia to your gallant associates in arms, during the campaign of 1814, for the noble manner in which they sustained the military reputation of their country.

“I have the honor to be,  
With the greatest respect,  
Sir,  
Your humble servant,  
W. C. NICHOLAS.”

“ Major-General Winfield Scott.”

REPLY OF GENERAL SCOTT.

“ NEW YORK, June 26, 1816.

“ Sir—

I have the honor to acknowledge the receipt of your Excellency’s letter of the 31st ultimo, covering certain Resolutions of the General Assembly of Virginia, approbatory of my military conduct during the late war, in general, but more particularly in the campaign of 1814, in which my gallant associates in arms are included.

“ I am most sensibly alive to the good opinion of my countrymen of Virginia—a state to which I am proud to owe my birth, and whatever of zeal or patriotism I may be supposed to have shown in the late common struggle of the Union. That my humble exertions have attracted

the notice and received the approbation of the General Assembly of Virginia, is to me a proud distinction—one that will bind me still more strongly to those to whom I was before allied by common interests, principles, and nativity.

“I beg your Excellency to accept my best acknowledgments, for the very kind and flattering terms in which you have been pleased to communicate the sentiments of the Legislature, and believe me to be,

With the highest respect and consideration,

Your Excellency’s

Obedient and humble servant,

WINFIELD SCOTT.”

“ His Excellency Wilson C. Nicholas.”

The sword which the General Assembly of Virginia had directed the Governor of Virginia to procure for General Scott, was not, from some accidental causes, presented to General Scott till the year 1825. In that year, it was presented by Governor Pleasants, to whom Scott made a suitable reply, which we subjoin.

GENERAL SCOTT’S REPLY TO GOVERNOR PLEASANTS, ON THE  
PRESENTATION OF A SWORD, IN 1825.

“Sir—

In the part which it was my lot to bear in the late war, I should have deemed myself as still unfortunate, whatever success I might have obtained, or whatever honors might have been accorded to me elsewhere, if I had failed to win the approbation of my native state. But from this I have been happily spared—Virginia, with parental kindness, has deemed me one of her sons who

endeavored well in the second great triumph of our free institutions.

"The law which gave my name to a county; the thanks voted by the General Assembly; and this sword which I now have the honor to receive at your hands, in the presence of the executive council, are the precious evidences of that partiality. Sir—they are appreciated by me in the spirit in which they are bestowed, as inculcating the first lesson of a citizen-soldier, that, as liberty is the greatest of blessings, so should he ever hold himself armed in her defence, and ready to sacrifice his life in her cause!"

The sword which the Legislature of Virginia thus presented, was of the most beautiful kind, mounted with the finest gold, and surrounded with devices classical, enigmatical, and historical, well chosen, and adapted to the actor and the actions it was intended to honor and commemorate.<sup>1</sup>

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<sup>1</sup> The *Richmond Enquirer* of that date has a minute account of the sword and its embellishments. We subjoin that part of the account which is descriptive of the historical embellishments of the blade.

"If the external ornaments be classical, those on the blade, which is the soul of the weapon, are historical. First, we have on one side a scene from the battle of Niagara, representing the moment after Miller had carried the battery: General Scott is seen at the head of his shattered but still intrepid brigade, and mounting another charger, his first being literally torn from under him by a cannon-shot. It was a moment when victory seemed dependent upon the uncommon exertions of some heroic spirit, and the effect produced upon the troops by the general's falling, and finally reappearing, was electrical. This delineation is followed by an eagle between two scrolls; on the first, 'Chippewa, 5th July, 1814'; on the other, 'Niagara, 25th July, 1814.' On the opposite side of the blade, we have, 'Presented by the Commonwealth of Virginia to Major-

About the same time with the passage of the resolutions we have recited, by the State of Virginia, others were passed of similar import, by the Legislature of the State of New York, along whose western frontier a large portion of Scott's public services had been rendered. The legislature impowered his Excellency DANIEL D. TOMPKINS, governor of that state, to present General Scott its thanks for his services, and a sword, which was done. The presentation took place on what is called in New York Evacuation Day. The following account of the proceedings has a more than common interest, by the peculiar aptness of the addresses made.

In the City Hall of New York; Anniversary, Nov. }  
25th, 1816, of the Evacuation of the City by the }  
British troops, at the end of the Revolutionary War. }

## GOVERNOR TOMPKINS'S ADDRESS TO MAJOR-GENERAL SCOTT.

“Sir—

I avail myself of an anniversary commemorative of the exploits of our forefathers, to perform the pleasing duty of proclaiming the gratitude of the people of this state to those descendants of the heroes of the Revolution, whose services in the late war have contributed so mainly to perpetuate the independence which our venerated ancestors achieved, and to advance the glory of the American nation.

“In adverting, sir, to your claims of distinction, it

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General Winfield Scott, 12th February, 1816,’ followed by a figure of Liberty with Tyranny prostrate at her feet, and this scroll, ‘*Sic semper tyrannis.*’ The whole blade, which is of the best proof, is covered with ornaments executed in high taste.”

would be sufficient to say, that on all occasions you have displayed the highest military accomplishments, the most ardent attachment to the rights and honor of your country, and the most intrepid exertions in their support. A rapid and unprecedented succession of promotions at an early age, has been the well-earned fruit of your talents. The distinguished notice by your government is the best encomium on your character, and the highest reward to which the virtuous and the great aspire.

"But, sir, your military career is replete with splendid events. Without descending into too much minuteness, I may briefly refer to your exploits in the most interesting portion of the American continent. The shores of Niagara, from Erie to Ontario, are inscribed with your name, and with the names of your brave companions. The defeat of the enemy at Fort George will not be forgotten. The memorable conflict on the plains of Chippewa, and the appalling night-battle on the Heights of Niagara, are events which have added new celebrity to the spots where they happened, heightening the majesty of the stupendous cataract, by combining with its natural, all the force of the moral sublime. The admirers of the great in nature, from all quarters of the globe, will forever visit the theatre of your achievements. They will bear to their distant homes the idea of this mighty display of nature, and will associate with it the deeds of you and your brothers in arms. And so long as the beautiful and sublime shall be objects of admiration among men ; so long as the whelming waters of Erie shall be tumbled into the awful depths of Niagara, so long shall the splendid actions in which you have had so conspicuous a share, endure in the memory of man.

“Accept, sir, the sword<sup>1</sup> presented to you by the people of this state, as a pledge of their affection and gratitude for your distinguished services ; and may the remainder of your life be as serene and happy, as your early days have been useful and glorious.”

MAJOR-GENERAL SCOTT’S REPLY.

“Sir—

I have heretofore had the honor to express to the Legislature of the State of New York, through your Excellency, my high sense of the distinguished compliment conferred on me by that honorable body, in its resolution on the subject of my military services, and in its vote of the splendid sword, now so handsomely presented by your Excellency.

“On an occasion like this, declarations would but feebly express the volume of obligation contracted. Permit me to assure your Excellency, and through you, the legislature and people of the proud State of New York, that I am sensibly alive to the duties of a republican soldier, armed by the hands of his countrymen to support and defend their national honor and independence ; and if my personal services had been more worthy of the distinction bestowed, I should have no wish left me, at this moment, but that the glory and liberties of the republic might be eternal.”

In the year 1815, General Scott was unanimously elected an honorary member of the state society of “Cin-

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<sup>1</sup> \_\_\_\_\_ “ All that endears  
Glory, is when the myrtle wreathes a sword  
Such as Harmodius drew on Athens’ tyrant lord.”

cinnati," in Pennsylvania. This venerable society was formed by the officers of the revolutionary army, at the close of the revolution, and has ever been distinguished by worth and patriotism.

In the year 1815, also, the Legislature of Virginia named a new county, in honor of him, SCOTT.

Some other states have done the same.<sup>1</sup>

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<sup>1</sup> There are eight states which have named counties, SCOTT, viz.: Virginia, Kentucky, Mississippi, Indiana, Illinois, Missouri, Iowa, and Arkansas. All but two of these, it is believed, were named from General Scott.

CHAPTER XIII.

General Jackson's Order of 1817.—Reflections.—The anonymous Letter.—Correspondence of Scott and Jackson.—Implication of Clinton.—The true Facts.—Reconciliation of Scott and Jackson.—Scott's Notice of his Death.

In the year 1817, a singular and unpleasant controversy occurred between General Jackson, General Scott, and Governor Clinton, arising out of a point of military discipline; but in reality occasioned by an anonymous note, written by a subordinate person to General Jackson. The circumstances are curious, as illustrating how public characters may be involved, and even important consequences produced, by very small acts of inferior parties; and historically valuable, as showing the position of affairs at that time.

General Jackson, then commanding the division of the South in the army of the United States, and annoyed probably by some order issuing from the war department to one of his inferior officers, without his knowledge, promulgated the following general order to his division—

COPY.

"Head-quarters,      }                  "Adjutant-General's Office,  
Division of the South. }                  Nashville, April 22d, 1817.

### *“Division Order.*

"The commanding general considers it due to the principles of subordination which might and must exist in

an army, to prohibit the obedience of any order emanating from the department of war, to officers of the division who have reported, and been assigned to duty, unless coming through him as the proper organ of communication.

“The object of this order is to prevent the recurrence of a circumstance which removed an important officer from the division, without the knowledge of the commanding general, and, indeed, when he supposed that officer engaged in his official duties, and anticipated hourly the receipt of his official reports, on a subject of much importance to his command ; also to prevent the topographical reports from being made public, through the medium of the newspapers, as was done in the case alluded to, thereby enabling the enemy to obtain the benefit of our topographical researches, as soon as the general commanding, who is responsible for the defence of his division.

“Superior officers having commands assigned them, are held responsible to their government for their character and conduct ; and it might as well be justified in an officer senior in command, to give orders to a guard on duty, without passing that order through the officer of that guard, as that the department of war should countermand the arrangements of commanding generals, without giving that order through the proper channel. To acquiesce in such a course would be a tame surrender of military rights and etiquette, and at once subvert the established principles of subordination and good order.

“Obedience to the lawful commands of superior officers, is constitutionally and morally required ; but there is a chain of communication that binds the military compact, which, if broken, opens the door to disobedience and

disrespect, and gives loose to the turbulent spirits, who are ever ready to excite mutiny.

“ All physicians able to perform duty, who are absent on furlough, will forthwith repair to their respective posts.

“ Commanding officers of regiments and corps, are required to report specially all officers absent from duty, after the 30th of June next, and their cause of absence.

“ The army is too small to tolerate idlers, and they will be dismissed from service.<sup>1</sup>

“ By order of MAJOR-GENERAL JACKSON  
(Signed) ROBERT BUTLER,  
Adjutant-General.”

To a military mind, the error and impropriety of this order are palpable. The principle of the order is that a colonel of a regiment cannot give an independent order to a subaltern, without sending it through the captain of a company. The immediate application of this principle made by General Jackson's order, was to orders emanating from the war department to inferior officers, which orders General Jackson commanded should not be obeyed except coming through him. This was one of the worst forms in which the application of such a principle could be made. The war department is but the organ, or mouth-piece of the President of the United States. The President is, by the constitution, commander-in-chief of the army and navy of the Union. If the President, then, cannot issue orders to inferiors, or to any one, without the interference of third parties, he is deprived of his highest constitutional function.

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<sup>1</sup> For this “Order” see 12 Niles, 320.

The principle thus assumed in the Nashville order is strongly analogous to, and nearly identical with the position of the Governors of Massachusetts and Connecticut in the war of 1812, that the President of the United States could not delegate his authority, and therefore the officers of the United States army could not command the militia.<sup>1</sup> This ground is obviously untenable. Yet, if the President can delegate his authority at all, it is obvious that he is not limited as to whom it shall be delegated. He may, therefore, through the war department, command any officer, however inferior in rank, to perform any service of whatever kind, independent of the opinions or orders of any general officer. Nay, it may be imperiously necessary that he should do so. Shall it be said, that the President of the United States, through the war-department, shall not require secret service, often so valuable in war, of any subaltern of the army, without asking leave of a general or division? Subjected to this test, the principle of the Nashville order cannot for a moment be defended.

It was very natural, and almost inevitable, that this very extraordinary order should occasion conversation and criticism, among both military men and civilians. This was the fact.

Among the conversations held on this subject,<sup>2</sup> one occurred at a dinner party in New York, at which, with other persons, there were present Governor Clinton and General Scott. The order became the topic of remark,

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<sup>1</sup> Mansfield's Political Grammar, p. 117.

<sup>2</sup> Probably half the intelligent citizens of the United States talked on this topic.

when Governor Clinton expressed a wish to learn General Scott's views of it. General Scott, who was seated near him, felt called upon to state professionally what were the principles involved in the question raised by General Jackson. This he did, in opposition to the views of General Jackson, and expressed the opinion to Clinton, that the tendency of the "order" was mutinous.

At this time there was published in the city of New York a newspaper called the "Columbian," devoted to the interests of Governor Clinton, whom it had supported for the presidency.<sup>1</sup> The substance of this conversation got to the ears of its conductors, and an anonymous article appeared in it, questioning the propriety of Jackson's order.

This anonymous article another anonymous writer anonymously enclosed to General Jackson, on the 14th of August, 1817, accompanied by this remark of the unknown writer<sup>2</sup>—

"Your late order has been the subject of much private and some public remark. The war-office gentry and their adherents, pensioners, and expectants, have all been busy, but no one, of sufficient mark for your notice, more than General Scott, who, I am credibly informed, goes so far

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<sup>1</sup> This, among many other facts, is evidence of the extreme mutability and mortality of the newspaper press in the United States. The "Columbian" was succeeded by the "Statesman," edited by Nathaniel H. Carter, author of the Letters from Europe, and a very elegant writer. In time, that also perished. The race of newspapers now in New York, is almost entirely different from that then extant.

<sup>2</sup> The author of this anonymous letter was known to the writer of this work. He was an able man; but his object in this instance was probably merely mischievous.

as to call the order in question an act of mutiny. In this district, he is the organ of government insinuations, and the supposed author of the paper enclosed, which, however, the better to cover him, was not published until he had left this city for the lakes." \* \* \* \*

There were some other unimportant remarks in this communication. It was received by General Jackson on the 3d of September. On the 8th, he addressed to General Scott the following letter—

"Head-Quarters, Division of the South,  
Nashville, September 8th, 1817."

"Sir—

With that candor due the character you have sustained as a soldier and a man of honor, and with the frankness of the latter, I address you.

"Enclosed is a copy of an anonymous letter, post-marked New York, 14th of August, 1817, together with a publication taken from the Columbian, which accompanied the letter. I have not permitted myself for a moment to believe, that the conduct ascribed to you is correct. Candor, however, induces me to lay them before you, that you may have it in your power to say how far they be incorrectly stated.

"If my order has been the subject of your animadversions, it is believed you will at once admit it, and the extent to which you may have gone.

"I am, sir, respectfully,

Your most obedient servant,

ANDREW JACKSON.

"General W. Scott, U. S. Army."

Enclosed in this letter, was the anonymous document of which we have spoken.

On October 4th, 1817, General Scott addressed to General Jackson a letter, of which we shall insert here only the material parts. In this he denies, peremptorily, that he was the author of the article in the Columbian, and then proceeds thus—

GENERAL SCOTT TO GENERAL JACKSON.

\* \* \* \* \* \* \* \* \*  
“Conversing with some two or three private gentlemen, about as many times, on the subject of the division order dated at Nashville, April 2d, 1817, it is true, that I gave it as my opinion, that that paper was, as it respected the future, mutinous in its character and tendency, and, as it respected the past, a reprimand of the commander-in-chief, the President of the United States; for although the latter be not expressly named, it is a principle well understood, that the war department, without at least his supposed sanction, cannot give a valid command to an ensign.

“I have thus, sir, frankly answered the queries addressed to me, and which were suggested to you by the letter of your anonymous correspondent; but on a question so important as that which you have raised with the war department, or, in other words, with the President of the United States, and in which I find myself incidentally involved, I must take leave to illustrate my meaning a little, &c., &c.”

[Here General Scott illustrated his opinion by examples and arguments.]

“I must pray you to believe, that I have expressed my

opinion on this great question, without the least hostility to yourself, personally, and without any view of making my court in another quarter, as is insinuated by your anonymous correspondent. I have nothing to fear or hope from either party. It is not likely that the executive will be offended at the opinion, that *it* has committed an irregularity in the transmission of its orders ; and, as to yourself, although I cheerfully admit that you are my *superior*, I deny that you are my *commanding* officer, within the meaning of the 6th article of the Rules and Articles of War. Even if I belonged to your division, I should not hesitate to repeat to you all that I have said at any time, on this subject, if a proper occasion offered ; and, what is more, I should expect your approbation, as, in my humble judgment, refutation is impossible.

“ As you do not adopt the imputations contained in the anonymous letter, a copy of which you enclosed me, I shall not degrade myself by any further notice of it.”

\* \* \* \* \*

“ The author is believed to be a young man of the army, and was at the time of the publication in this city ; but not under my command, and with whom I have never had the smallest intimacy. I forbear to mention his name, because it is only known by conjecture.

“ I have the honor to be, &c.,

WINFIELD SCOTT.

“ To Major-General Andrew Jackson, &c.”

To this letter General Jackson replied in a very angry manner, and with an offer of satisfaction according to the code of honor, if demanded. He seems to have thought, that General Scott ought not to have criticised his mili-

tary conduct, and, in fact, ought not to have expressed any opinion at all.

In his reply, Scott waived this idea, knowing, if there were no other reason, that those who had fought on the plains of Chippewa and New Orleans, needed no new evidence that they possessed courage or pursued honor.

This whole correspondence was subsequently printed in a pamphlet—a publicity which made it known to many persons, and requires that it be mentioned here as a part of the history, both personal and political, of the times to which it belongs. The controversies of distinguished men, their tone of temperament, and their hasty acts of passion, are dwelt upon by the curiosity of others, with perhaps as much interest as any part of their lives. The multitude have a consciousness of greater equality with superior men in these minor developments of a common human nature, than in those greater and nobler deeds by which they have been raised to high eminence. There is a feeling of contact, community, and connection, with those who, like us, breathe the common atmosphere of the common streets of the world; but it is with admiration and with awe, not sympathy, that we gaze upon those whose uncommon strength and extraordinary success have enabled them to ascend the greatest heights, and bathe their heads, like the eagle's wings, in the sublime but cold air of the mountains.

Hence it is that the world is little offended to see distinguished men descend from their eminence to mingle in common affairs, and display those passions which are felt to belong equally to the race—the highest and the lowest.

The eminent men whose personal controversy we have here narrated, have long since been reconciled to each

other. One of them has descended to the grave, honored with the best rewards of his country, and the other was one of the first to pay to his memory the high respect due from one distinguished soldier to another.

The controversy, however, has an interest as connected with the principle of the Nashville Order, and yet more with the peculiar politics of that period. It is a singular fact, that an unknown writer, by a single paragraph of an anonymous letter, could occasion between three of the most eminent public men, such an excitement and such a discussion.

It seems that at the close of General Scott's second letter, he intimated a suspicion that Governor Clinton was the anonymous correspondent of General Jackson. This suspicion was totally erroneous. De Witt Clinton was above any act of that kind. He stood in no need of such contrivances; for, either at this time, or soon after, he had openly and boldly charged the administration of Mr. Monroe with interfering through the custom-house officers, with the state elections of New York. At this time, or soon after, also, he became allied with the political friends of General Jackson. He had, therefore, no need of communicating secretly with General Jackson, when there was nothing in his position to preclude doing it openly.

It was, however, perfectly natural that such a suspicion should have occurred to Scott at that time; for he was unable to trace the knowledge, or the possibility of reporting his opinions, to any other than the persons present on the occasion mentioned. Happily, however, the truth was discovered. Soon after these transactions, General Scott learned, that Governor Clinton had spoken, as he was perfectly at liberty to do, of Scott's *military*

view of General Jackson's order, in the hearing of some one connected with the *Columbian* newspaper. This person, or one associated with him, had written the anonymous letter, without the sanction or knowledge of Governor Clinton. This explanation, or recantation, General Scott has often made before as since the death of the illustrious Clinton. Had Scott known the facts at an earlier date, a most unpleasant controversy would have been avoided.

It only remains to record the reconciliation between Scott and Jackson, alike honorable to both. There had been a rumor, no doubt groundless, that General Jackson would, on meeting General Scott, offer him some sort of outrage or indignity. When, therefore, they had been six days together at Washington, and often in the Capitol, in the year 1823, the following letter was written—

GENERAL SCOTT TO GENERAL JACKSON.

"Washington, D. C., Dec. 11, 1823.

"Sir—

One portion of the American community has long attributed to you the most distinguished magnanimity, and the other portion the greatest desperation, in your resentments—am I to conclude that both are equally in error? I allude to circumstances which have transpired between us, and which need not here be recapitulated, and to the fact that I have now been six days in your immediate vicinity without having attracted your notice. As this is the first time in my life that I have been within a hundred miles of you, and as it is barely possible that you may be ignorant of my presence, I beg

leave to state that I shall not leave the District before the morning of the 14th inst.

“I have the honor to be, sir,  
Your most obedient servant,  
WINFIELD SCOTT.

“The Hon. Gen. A. Jackson, Senator, &c.”

To this letter, General Jackson returned the following answer—

GENERAL JACKSON TO GENERAL SCOTT.

“Mr. O’Neil’s, Dec. 11th, 1823.

“Sir—

Your letter of to-day has been received. Whether the world are correct or in error, as regards my ‘magnanimity,’ is for the world to decide. I am satisfied of one fact, that when you shall know me better, you will not be disposed to harbor the opinion, that any thing like ‘desperation in resentment’ attaches to me.

“Your letter is ambiguous; but, concluding from occurrences heretofore, that it was written with friendly views, I take the liberty of saying to you, that whenever you shall feel disposed to meet me on friendly terms, that disposition will not be met by any other than a correspondent feeling on my part.

“I have the honor to be, sir,  
Your most obedient servant,  
ANDREW JACKSON.

“Gen. W. Scott.”

The olive-branch was on both sides accepted. From this time, to the recall of General Scott from the Indian

war in 1836, Generals Scott and Jackson were on terms of high courtesy with each other. Both have been subsequently engaged in other and higher actions. They have been engaged in various and important services for their country. Their private griefs have been forgotten, in the various dramatic and dignified scenes in which they were associated with the interests and the glory of their country.

On the 8th day of June, 1845, General Jackson died at his private residence, the Hermitage, near Nashville, in the state of Tennessee. Demonstrations of respect and sympathy were everywhere manifested.

General Scott was at West Point when the news reached that place. He was president of the board of examiners, which was in session when the morning-boat from New York brought the melancholy intelligence. With the truly great, all differences are forgotten at the grave ; and General Scott could retain no recollection of them, on such an occasion. He immediately rose and addressed the board of visitors, the academic staff, and the cadets, as follows—

#### GENERAL SCOTT'S ADDRESS.

" Ex-President Jackson died at the Hermitage on the 8th inst. The information is not official, but sufficiently authentic to prompt the step I am about to take. An event of much moment to the nation has occurred. A great man has fallen. General Jackson is dead—a great general and great patriot—who had filled the highest political stations in the gift of his countrymen. He is dead. This is not the place, nor am I the individual to

pronounce a fit eulogy on the illustrious deceased. National honors will doubtless be prescribed by the President of the United States; but in the mean time, and in harmony with the feelings of all who hear me, and particularly with those of the authorities of this institution, I deem it proper to suspend the examination of the cadets for the day, and to wait the orders of the Executive of the United States on the subject."

## CHAPTER XIV.

1821 TO 1832.

Scott writes the Military Institutes.—Prepares Reports on Tactics.—His Essay on Temperance.—Obtains Admission to the Military Academy for the Sons of General Paez.—Correspondence with General Paez.—Controversy on Brevet Rank.—Goes to Europe.

In a former part of this volume, we have stated that Scott studied his profession as a science and an art. The science of war is, in relation to physical sciences, very much what oratory, in the contemplation of Cicero, was to other branches of knowledge. In his treatise on that art,<sup>1</sup> he considered that nothing less than the whole circle of human studies was the limit of what an orator should acquire, to be complete and eminent in his art. The same idea is true of the art of war, when considered in relation to the physical elements involved in its practice. The modern art of war, as illustrated in the brilliant campaigns of Napoleon, affords ample proof of this fact.

Military science is in general, however, defined as embracing the discipline of troops, the tactics of the field, the arrangement and police of camps, and the strategy of armies in war. This comprehends the duties and the knowledge required of commanding generals. The art

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<sup>1</sup> Cicero's treatise, *De Oratore*.

of engineering, which requires a knowledge of the mathematical and chemical sciences, the art of topographical surveying and drawing, the art of pyrotechny, or the composition of the various explosive materials of war, and the art of surgery, are all confided to special corps, trained to those duties and practised in them. It is tactics and strategy, however, which constitute the particular part of the science of war, falling within the province of a general officer.

In this department of science, General Scott has contributed his full proportion to the knowledge of his country. He thought it no part of his duty to remain merely idle, as too frequently happens to the members of all professions, when the active and practical part of his duties was no longer required. In peace as in war, there is ample room for the employment of that high and cultivated intelligence for which officers of the army, nearly all of whom are educated men, are generally distinguished.

In the year 1821, General Scott published an octavo volume, entitled *General Regulations for the Army*, or *Military Institutes*, containing every thing which is necessary for the government and practice of troops, in garrison, in camp, or in the presence of an enemy. No system of the kind had preceded it in America. It was a complete manual for both the regular and the militia officer.

Prior to this, in 1814-15, he had also, as president of a board, assisted in preparing a system of infantry tactics, the same which he had introduced and taught in the camp of instruction at Buffalo, in 1814. This was afterwards revised by another board, of which again he was president. It was published in 1825. He was once again, in

1826, president of another board of regular officers and distinguished militia generals, called together by the war department for the purpose of reporting—

1. A plan for the organization and instruction of the whole body of the militia of the Union.<sup>1</sup>
2. A system of tactics for the artillery.
3. A system of cavalry tactics, and
4. A system of infantry and rifle tactics.

All these were designed for the use of the militia, to aid in the improvement and discipline of that branch of the national defence.

Of these several reports, the first and fourth are understood to have been exclusively from the pen of Scott. They have been published for the use and information of the country.

In 1835, under a resolution of Congress, he published a new edition, in three small volumes, of the *Infantry Tactics*, with all the improvements made thereon since the general peace of 1815.<sup>2</sup> The basis of the system previously in use was, however, preserved.

The reader will readily perceive, that the compilation and composition of several volumes of this kind constitutes no small portion of American military literature. In works of this nature, specially American, our country is

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<sup>1</sup> See congressional documents for the session of 1826–7.

<sup>2</sup> Somewhere about 1819–20, the United States government employed an officer of the army to translate from the French a work on the science of war, for which the government paid ten thousand dollars. Yet, for want of revision, and adaptation to our circumstances, this work was of no practical use. Hence, we may see what labor and judgment were required, by one who, like Scott, prepared proper works for our army.

quite deficient. The French have been the great writers on military science, and from their works, as we have already seen, Scott derived much of his knowledge on this subject.

We may here say, that much labor, research, reading, practice, and observation, were required to prepare and put forth the works above enumerated. Of their merits, it is enough to say, that they have been found universally satisfactory to those who are capable of forming an accurate judgment on such topics.

On another subject, and one of vast magnitude, though apparently foreign to his profession, Scott became a writer; and such has been the space which that topic has since occupied in the public mind, that we feel it to be only an act of simple justice to record his part in the discussion. That topic was the temperance movement.

That the necessity of a temperance reform should occur to a military man, will not appear strange when it is considered, that his professional pursuits bring him into constant association with all classes of society; and that the exposures of a camp and the hardy life of a soldier, demand from the commanding general the utmost vigilance in protecting the health of his troops.

Scott was among the very earliest pioneers, in the effort to do something to check and prevent the enormous evil of intemperance. That he was so, will appear evident from the dates which we shall present.

The present temperance societies, of all kinds, date back only about twenty years. It is true, that there have been temperance associations and temperance men in all ages since the days of the Rechabites. But that movement now known as the Temperance Reform can claim but little, if any earlier origin, than 1825. About that

year, Dr. Lyman Beecher preached his celebrated temperance discourses. He was not precisely the founder of temperance societies, but he was the earliest and strongest advocate of that noble cause.

Much earlier than this, December 22d, 1821, General Scott published his "Scheme for restricting the Use of Ardent Spirits in the United States." It appeared in the 180th number, of the above date, of the *National Gazette*, edited by Robert Walsh. It occupied twelve columns of a supplement of that paper, and was commended to the public by the following editorial article of Mr. Walsh. We copy it for the purpose of showing, that both General Scott and Mr. Walsh, at that time, adopted all the leading arguments which have since been used so pertinaciously and effectually by many eloquent and able advocates of temperance.

In the National Gazette of December 22d, Mr. Walsh says—

"We issue, in a Supplement to this day's Gazette, 'A Scheme for Restricting the Use of Ardent Spirits in the United States.' The length of this production will not, we trust, prevent it from being generally read. We think the country lies under an obligation to the intelligent and public-spirited author, for the attention which he has bestowed on the subject, and for the instructive and impressive facts and opinions which he has brought together, and skilfully exhibited, in furtherance of his great purpose. The topic of the abuse of ardent spirits hardly admits of exaggeration. That evil is, notoriously, the most extensive and prolific with which these states are now afflicted. In almost every instance, the atrocious murders which it has been our misfortune to be obliged

to report, have arisen from habits of inebriety, or been perpetrated under the immediate influence of liquor. If the exertions of legislatures, and of patriotic and humane individuals, are due in proportion to the magnitude and exigence of a national scourge, then their utmost activity and ability should be exercised without the least delay, to promote the end at which our correspondent aims, though his particular scheme be not thought the most practicable or eligible. They will weigh deliberately and earnestly every repressive or corrective project, and adopt, in preference, that which strikes at the root of the evil, if they do not see insuperable obstacles to its execution."

The scheme of General Scott was not adopted. But the arguments and facts adduced by him were the main arguments and facts afterwards used with such force by the temperance societies. It must be remembered, as a part of the known history of the times, that all the early temperance societies were pledged only against the use of ardent spirits. The idea of total abstinence from wine and malt liquors, was not adopted by any of them till within a very few years. Hence, the scheme of General Scott aimed only to suppress the use of ardent spirits; for, in the army, this was undoubtedly the cause of the largest portion of the prevalent intemperance. The private soldiers, so often intemperate, used almost altogether, rum, brandy, and whiskey.

It should be stated here also, that General Scott was, at this time, (1821,) a member of the societies formed in New York for the "prevention of pauperism"—"the suppression of vice and immorality." It was in that connection, for these evils are kindred, that Scott reflected upon the magnitude of intemperance, and published the essay,

portions of which we are about to extract. They will show both his ability as a writer, and the sound views he there suggested to the public.

#### SCOTT'S VIEWS OF INTEMPERANCE IN 1821.

"It is now many years since the writer of this essay was first made to reflect, with some intensity, on the vice of drunkenness, whilst endeavoring to apply a remedy, in a small corps, to that greatest source of disease and insubordination in the rank and file of an army. Having the attention so awakened, and subsequently being much accustomed to change of place from one extreme of the Union to another, he has been led to observe, with a more than usual keenness, the ravages of the same habit among the more numerous classes of the community. The conviction has thus been forced upon him that, of all *accidental* evils, *this* is the most disastrous to our general population.

"Insanity from other causes is, for example, exceedingly rare. The yellow fever only visits, occasionally, some of our larger cities on the seaboard—the small-pox, once the terror of the world, has disappeared before the benign influence of vaccination—but the *virus* of intemperance still circulates everywhere, and saps the foundations of morals, health, and happiness! For, not minutely to dwell, in this place, on the innumerable disorders, both domestic and public, which hourly result from the earlier progress of intoxication—happily, in some few individuals never carried to excess, nor ripened into fixed habit—and such ills alone constitute a frightful aggregate—how few are the families that have not been, within

the memory of the living, plunged into the deepest affliction by this baleful vice!—that have not had a son blighted in the vigor of youth and genius by its pestilential breath—a fond husband alienated by the syren—or a father laid in an untimely grave by the destroyer, leaving a tender offspring destitute and forlorn. Lives there a person who believes this picture overcharged? Let him go forth from his corner and inquire of the first man of observation in his way, whether such calamities do not almost daily occur within the sphere of his knowledge? There can be no doubt that magistrates, lawyers, physicians, divines, and others, much in the world, or much connected with its business and sufferings, would universally concur in one mournful reply—

“ ‘ ‘ ‘ Tis quenchless thirst  
Of rainous ebriety that prompts  
His every action and imbrutes the man—  
Who starves his own ; who persecutes the blood  
He gave them in his children’s veins, and hates  
And wrongs the woman he has sworn to love.’

“ Is there, then, no antidote for this evil—no kind preventive to the mother-vice which augments, in a thousand ways, the general sum of human wretchedness ?

“ We are told of an ancient spring, the waters of which gave to those who even once drank of them, a sovereign distaste of intoxicating liquors. In our times, private associations have interposed their benevolent efforts to arrest the burning flood: moralists have declaimed, and legislatures enacted partial laws, against it; and the pulpit, too, armed with divine revelation, everywhere sends

forth its denunciations.<sup>1</sup> The evil still spreads. A master remedy yet remains to be found.

"The gathering number, as it moves along,  
Involves a vast involuntary throng;  
Who, gently drawn, and struggling less and less,  
Roll in her vortex, and her power confess."

The argument of the essay was that which was adopted by many of the original temperance advocates and temperance societies. It was, that those who drank wine and beer were comparatively temperate, while the great evil to be attacked was the use of ardent spirits.

As these views did not prevail, and our object is only to show that Scott was, in the United States, one of the pioneers on this subject, we shall refer the reader to some other views presented in the essay.

General Scott proceeds to show some of the happy results which would flow from the adoption of temperance principles—

"Thus it has been shown, (and some of the probable results will be more strictly demonstrated,) that, under the operation of the proposed law, ardent or burning spirits might gradually, and in the lapse of a few years, be almost entirely banished from the country; other beverages, salutary in their effects, or comparatively innoxious, substituted by corresponding degrees; home industry maintained and promoted; diseases simplified and diminished; fireside enjoyments fenced in against their

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<sup>1</sup> He who walks "in the imagination of [his] heart, to add drunkenness to thirst, the Lord will not spare."—Deut. xxix. 19, 20.

"Awake, ye drunkards, and weep."—Joel.

"For the drunkard and glutton shall come to poverty."—Prov. xxiii. 21.

most powerful enemy ;—in short, our general population rendered as moral and robust as it is, by inheritance and in fact, politically free.

“ It will not be attempted to class the enterprise herein proposed, with the great revolution which gave birth to our country, and a practical example to suffering nations. But, certainly, to break the shackles of that vice which has held and is likely to hold millions of our countrymen in a state of moral bondage and of physical debility, would be a reform only inferior in importance to that happiest and most glorious of human achievements.”

This Essay is accompanied by statistical tables of the number of drinkers and sots, which give results very little different from those which were subsequently collected and arranged by temperance societies.

Below is the estimate of those who may strictly be called the intemperate—

|                                                                                                                                                                                                            | Drinkers. | Gallons.   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------|
| “ Hard drinkers daily becoming sots ;<br>and who, on an average, consume<br>three gills each a day, or 34 7-32<br>gallons a year, . . . . .                                                                | 300,000   | 10,265,625 |
| “ Sots rapidly descending into the grave ;<br>who, on an average, drink five gills<br>each a day, or 57 1-32 gallons a<br>year; irregularly drank in quantities<br>from a glass to five pints a day, . . . | 150,000   | 8,554,687  |
| “ All Indians not included in the cen-<br>sus ; whose intemperance is only<br>limited by their means, (numbers<br>supposed,) . . . . .                                                                     | 350,000   | 2,074,288” |

This Essay contains, as above shown, some of the principal facts and arguments used within the last twenty years, so effectually for the suppression of the vice of in-

temperance. It is supposed to have led to the formation of the first temperance societies in the United States, some of the earliest in the army. It certainly preceded them, in taking the same ground, and maintaining it by the same arguments. The example of these efforts and associations spread to Europe, and have been followed by benign effects in all quarters of the globe.

In the year 1823, General Scott had taken some interest in procuring the admission of the sons of General Paez, of Colombia, into the United States military academy at West Point.<sup>1</sup> As General Paez was one of the most distinguished and enlightened men of South America, and subsequently became president of that republic, the following correspondence belongs to this place, both as relating to General Scott, and as illustrating the cordiality and friendly sentiments existing between Colombia and the United States.

## GENERAL PAEZ TO PRESIDENT MONROE.

[Translation.]

“ CARACCAS, July 28th, 1823.

“ Most excellent sir—

I have read with most lively satisfaction, in one of the public papers of Venezuela, a statement of the interview which your excellency conceded to Lieutenant Colonel Young, in consequence of the permission you were pleased to grant for the admission of

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<sup>1</sup> They received no pay from the government.

my sons into the Military Academy at West Point, at the request of General Scott. I have been highly honored by your excellency, and the admission of my sons into your national college, is a laurel presented to me by fortune ; but I can never sufficiently appreciate the desire which you express to see me in your country, and exercise your personal courtesies towards me, nor find language eloquent enough to manifest my gratitude. I should be happy if I could soon conclude the sacrifice which my country requires from me, in order to proceed to the United States, and form a lasting friendship with your excellency.

"I beg you will be pleased to accept the just tribute of admiration and respect with which I have the honor to be—

Your excellency's most obedient, humble servant,  
JOSE ANTONIO PAEZ.

"To His Excellency the President }  
of the United States." }

## GENERAL SCOTT TO GENERAL PAEZ.

"FORTRESS MONROE, May 28th, 1823.

"Dear General—

Our friend Lieutenant-Colonel Young is on the point of returning to Colombia, and will do me the favor to explain to you how our correspondence has been interrupted, and the lively interest I take in the three fine boys you have done us the honor to send among us, for their education. The President deemed this circumstance so flattering to the United States, that, following up his kind feelings for a sister republic, he immediately ordered, with the approbation of Colonel Young,

that the boys should, as they successively attained the proper age, be admitted into our national military seminary, on a footing with our own cadets. The eldest of the three will join in a few days, and I shall have the pleasure of being present, and of rendering him all the assistance in my power. You may rely on a continuance of those attentions to him, and also to the other two, who are placed at school near my head-quarters.

"We have heard with deep regret of the loss of two of your ships of war, in an action with a much superior force. Thank God, however, your independence and liberties are placed beyond the reach of foreign aggression. In a few years more, our continent cannot fail to be occupied wholly by republics. Liberty seems also likely to spread over a large portion of Europe; and among its gallant assertors, the Colombian army certainly occupies a foremost position.

"Permit me, general, to say, that I shall at all times be happy to hear from you, and that I am, with great personal admiration and esteem,

Your obedient servant,

WINFIELD SCOTT.

"To General J. A. Paez, &c., &c."

GENERAL PAEZ TO GENERAL SCOTT.

[Translation.]

"CARACCAS, July 20th, 1823.

"General—

The perusal of your letter of the 28th of May has afforded me the highest satisfaction. In union with the information I have received from Lieutenant-Colonel Young, and from the public papers of Venezuela,

it satisfies me how great is the interest you are pleased to take in the education of my children ; and I want language to express my gratitude in terms worthy of yourself—worthy of so important a service, and still more so of the government that has given so kind a reception to my boys.

“ If you will have the goodness to convey to your government my sentiments of gratitude, admiration, and respect, I shall have fresh motives for entertaining towards you the feelings of esteem which you so well deserve.

“ I join you in congratulations for the events which are about to diffuse liberty throughout Europe. Would that its standard could be beheld from pole to pole !

“ Colombia, unalterable in her principles, and ready to pour out the last drop of blood, and reduce herself to ashes, rather than renounce her country, her liberty, and her glory, congratulates her ally and her republican neighbor in the north, in having consolidated her greatness, and planted her flag on the downfall of tyrants. Colombia will never forget that North America stood foremost among the nations of the world to receive her as an ally.

“ You will do me the greatest honor by accepting the assurances of my respect and friendship, and that I am, with great regard,

Your attentive servant,  
JOSE ANTONIO PAEZ.

“ To Major-General Scott, }  
United States service.” }

In the year 1828, and previously, Scott became involved in a controversy with General Gaines, touching the true rights of brevet rank. Mr. Adams, then President, had appointed General Macomb, major-general of the army,

there being at that time but one major-general. Scott had been brevetted major-general, with an older date than the commission of General Macomb. He therefore contended that brevet commission gave rank, and if rank, seniority to General Macomb. His argument on this subject is contained in a Memorial addressed to Congress,<sup>1</sup> asking for a declaratory statute. His argument was—

1. That “from the commencement of the revolutionary war down to the present year, brevet rank has uniformly been held to give command in common with ordinary rank,” except only within the body of a regiment, &c.
2. That there existed, “in law or in fact, no higher title or grade in the army, than that of major-general,” there being no such thing as a commander-in-chief, except the President.
3. That he, General Scott, held a commission as major-general, July 25th, 1814, of older date than that of Macomb or Gaines.

If brevet commissions give rank, it must be admitted this argument is complete. There was, in fact, no such thing, by law, as a commanding general, and the command would necessarily devolve, first, on the highest legal grade, and secondly, on the one of the same grade having the oldest commission.

Congress, however, refused to pass a declaratory statute, and the government practically construed a brevet commission as conferring no rank.

In the mean while, General Scott had placed his resignation at the disposal of the government, which, however,

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<sup>1</sup> 35 Niles's Register, 324.

was not accepted. At length, after it appeared that the President and civil authorities took different views of the question from himself, and after consultations with his friends, he concluded to sacrifice his own feelings and yield to the decision against him. We subjoin the correspondence between the Secretary at War and General Scott,<sup>1</sup> alike honorable to him who thus frankly yielded up his own position, and to the President, who, though adverse in opinion, yet cheerfully sought to keep him in the service of the country.

GENERAL SCOTT TO THE SECRETARY OF WAR.

“ NEW YORK, Nov. 10th, 1829.

“ Sir—

I have seen the President’s order of the 13th of August last, which gives a construction of the 61st and 62d articles of war, relative to rank or command.

“ Humbly protesting that this order deprives me of rights guarantied by those articles, and the uniform practice of the army under them, from the commencement of the government down to the year 1828, when the new construction was first adopted against me; in obedience to the universal advice of my friends, who deem it incumbent on me to sacrifice my own convictions and feelings to what may, by an apt error, be considered the repeated decision of the civil authority of my country, I have brought myself to make that sacrifice, and therefore withdraw the tender of my resignation now on file in your department.

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<sup>1</sup> General Jackson had then become President. The letters may be found in the 37th of Niles’s Register, 238.

"I also ask leave to surrender the remainder of the furlough the department was kind enough to extend to me in April last, and to report myself for duty.

WINFIELD SCOTT.

"The Hon. J. H. Eaton, Secretary of War."

SECRETARY EATON TO GENERAL SCOTT.

"WAR DEPARTMENT,  
Nov. 13th, 1829. }

"Sir—

Your letter of the 10th inst. is received, and I take pleasure in saying to you, that it affords the department much satisfaction to perceive the conclusion to which you have arrived as to your brevet rights. None will do you the injustice to suppose, that the opinions declared by you upon this subject, are not the result of reflections and convictions, but, since the constituted authorities of the government have, with the best feelings entertained, come to conclusions adverse to your own, no other opinion was cherished, or was hoped for, but that, on your return to the United States, you would adopt the course your letter indicates, and with good feelings resume those duties of which she has so long had the benefit.

"Agreeably to your request, the furlough heretofore granted you is revoked from and after the 20th instant. You will accordingly report to the commanding general, Alexander Macomb, for duty.

J. H. EATON.

"To Major-General Winfield Scott."

In conformity to the letter of the secretary, General Scott was assigned, by an order from the commanding

general, to the Eastern department, and General Gaines to the Western.

Just previous to this correspondence, General Scott had visited Europe, and made the tour of France, Belgium, and Germany. For the next three years he was engaged in the ordinary duties of his department, till 1832, when, as we shall soon see, he was called to new and very different scenes, where the controversy in arms was to be exchanged for the controversy with pestilence, that more fearful conqueror than any famed warriors of the battle-field.

## CHAPTER XV.

1831-1832.

Indian Character.—Village of the Sacs.—Origin of the Black-Hawk War.—Progress of the War.—Its termination.—Scott sails with the troops from Buffalo.—Progress of the Asiatic Cholera.—Sufferings of Scott's troops.—Scott's kindness in sickness.—Indian Council at Rock Island.—Ke-o-kuck.—Indian Scenes.—Indian Dances.—Indian Treaties.

THE North American Indians, if not possessed of strong local attachments, have ever manifested a warm and almost sacred regard for the graves of their ancestors. When passing by, they strew handfuls of earth upon them. They part from these tombs with bitter regret, when necessity makes them wanderers from their native land; and when generations have passed away, even remote descendants return to revisit and honor the spot where their dead have been laid.

This feeling is one of the many ties which united them to their original country, and which have been rudely and suddenly snapped by the whites. Much of the sympathy felt and expressed for the Indians is mere sentiment, totally misplaced, in any wise scheme of policy either for them or for the ultimate progress of civilization. But this feeling of religious veneration for the memory of the dead is one which demands the respect of the highest intellect and the most refined taste. Its violation by the

frequent and often unnecessary separation of the Indians from the spots which they peculiarly cherished, may well excite the indignant censure of the generous and the good.

This disregard of the common rights of humanity has been one of the principal causes of Indian wars, especially of those which have occurred since the Revolution. The superior power of the whites is an idea strongly enough impressed on Indian minds to prevent any aggressions from their side, when they have not been seduced, as by Great Britain in the war of 1812, or have suffered manifest wrongs from the encroaching cupidity of the whites.

The principal village of the Sacs and Foxes, for a long period of time, was on the beautiful river peninsula between Rock River and the Mississippi, and near their junction.<sup>1</sup> Here, in the midst of a wilderness of beauty seldom equalled, on a soil so rich that the Indian women found little difficulty in planting and gathering their corn, a band of the Sacs resided, as late as 1830.<sup>2</sup> Their chief, known as BLACK HAWK, had been born on that ground.<sup>3</sup> Annually they had planted their corn. They loved the rolling waters of Rock River. They loved the lovely island near its mouth; and they loved, as the white man loves, scenes where, from youth to age, they had beheld the splendors of nature; and they loved that ancient village spot which by repeated burials had become the mournful graveyard of the nation.<sup>4</sup>

By a treaty made with the chiefs of the Sacs in 1804,

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<sup>1</sup> Life of Black Hawk, by Benjamin Drake, Esq.

<sup>2</sup> Idem, p. 98.

<sup>3</sup> Idem, 74.

<sup>4</sup> Idem, 94.

these lands east of the Mississippi were ceded to the whites; but it was also provided, that so long as they belonged to the United States, the Indians should have the privilege of living and hunting upon them.<sup>1</sup> The United States also guarantied the Indians against any intrusion of the white settlers. Trespasses, however, did occur, by whites, in violation of the laws of Congress, and these acts, unrestrained by the United States government, were the exciting causes of the jealousy, irritation, and ultimate hostility of the Indians. In 1829, the United States put up to public sale, and it was sold, a portion of the Sac village, which was bought by an Indian trader. Black-Hawk, the Sac chief, became irritated, but was advised, that if the Indians had not sold the lands, and would remain quiet, they would be undisturbed. On the idea that the Indians had not sold their village, he determined to remain.<sup>2</sup>

In the spring of 1831 the Indian squaws had planted their corn as usual, when it was ploughed up by the whites, and the trespasses against the Indians continued. Black-Hawk then gave notice to the whites, that they must remove from his village. On the 19th of May, 1831, a memorial was presented to the governor of Illinois, by eight of the settlers, representing that the Indians had threatened them, and were committing depredations on the whites.<sup>3</sup> On the 26th of May, the governor of Illinois writes, that he had called out seven hundred militia to remove a band of Sac Indians. On the 28th of May, he writes the same to General Gaines. On the 29th of May, Gaines replies that he had ordered six com-

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<sup>1</sup> Drake's Life of Black Hawk, 54.

<sup>2</sup> Idem, 99.

<sup>3</sup> Idem, 100.

panies of the United States troops from Jefferson Barracks to Rock Island, and four other companies from Prairie du Chien, the object of which was to repel invasion and secure the frontier. On the 30th of May, the United States troops reached Fort Armstrong. A conference held with the Indian chiefs there proved unavailing. General Gaines then called on the governor of Illinois for an additional force, and on the 25th of June, Governor Reynolds and General Joseph Duncan, with 1600 mounted militiamen, reached Rock River.<sup>1</sup> On the morning of the 26th General Gaines took possession of the Sac village, without firing a gun or meeting an Indian. The Indian party had crossed the Mississippi, with their women and children, the night previous.

On the 30th of June, General Gaines and Governor Reynolds concluded a treaty of capitulation, by which this band of the Sacs agreed to live west of the Mississippi.

It is not very interesting, and as little instructive, to recite the petty differences and aggressions between the whites and Black-Hawk's band, prior to their second controversy. It is sufficient to say, that in April, 1832, Black-Hawk's band, in violation of the treaty of the 30th of June, recrossed to the east side of the Mississippi, for the purpose, as they said, of joining the Winnebagoes above, and raising a crop of corn and beans with them. General Atkinson, then in command of the United States troops at Fort Armstrong, twice by express, informed Black-Hawk, that if he did not return peaceably he would be forced back. The Indians refused to be driven back,

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<sup>1</sup> Drake's Life of Black Hawk, 104.

and at the same time determined not to make the first attack.

Black-Hawk, finding that the tribes of the Northwest would not join his standard, had resolved to recross the Mississippi.<sup>1</sup> They were encamped at Kish-wa-cokee, when the event occurred which brought the opposing forces into actual conflict. The Illinois mounted militia had proceeded to Dixon's Ferry, a point on Rock River half way between Rock Island and the Indian encampment. From this point Major Stillman, with about two hundred and seventy-five mounted volunteers, proceeded on a scouting expedition to Sycamore Creek, thirty miles further up the river. Hearing that these men were approaching, Black-Hawk sent three young men to meet them with a white flag. These young men were met by the whites, and one of them taken prisoner and killed.<sup>2</sup> Of a party of five Indians who followed the former one, with pacific intentions, two were also killed. The volunteers pursued till the whole force had crossed Sycamore Creek. Here, on the 14th of May,<sup>3</sup> they met the warriors of Black-Hawk advancing to avenge their companions, were thrown into confusion, recrossed the creek, and, after the loss of twelve killed, were totally routed.<sup>4</sup>

The Indian success in this engagement encouraged them, while it alarmed the people of Illinois. On the

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<sup>1</sup> Drake's Life of Black Hawk, 141.

<sup>2</sup> The fact that this young man, and the two others following, were killed by the American troops in advance, is stated by Black Hawk, and admitted by the followers of Stillman.—*Drake's Life of Black Hawk*, 142-145.

<sup>3</sup> 42 Niles's Register, 241.

<sup>4</sup> Idem, 283.

15th of May, Governor Reynolds issued his proclamation, calling out two thousand more militia, to meet at Hennepin, on the 10th of June.

From this time, during three months, a succession of actions took place between the whites and the Indians, with various success. The banks of the beautiful Rock River, of the Wisconsin, and even of the Mississippi, were stained with the blood of the red and the white man. Women and children were not spared, and more than one Indian squaw fell in battle. It is related, that at one place a ball broke the arm of a little child clinging to its mother's breast, and pierced her heart; while the child, taken up by a kind American officer, was healed and lived!<sup>1</sup> Starvation as well as war pursued the broken and flying Indians, whose place of refuge on the Wisconsin had been discovered, and they driven from it. A portion of them, including a number of women and children, attempted to go down the Mississippi, but they were overtaken, and most of them captured or killed.

The main body, under Black-Hawk, directed their course to the Mississippi, near the mouth of the Iowa River. Here they were overtaken, on the banks of the Mississippi, by General Atkinson, with an army of regulars and militia. They were defeated and dispersed in the battle called Bad Axe, with the loss of many killed and prisoners.<sup>2</sup> Black-Hawk himself escaped, but was soon after taken and delivered up, on the 27th of August,

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<sup>1</sup> Drake's Life of Black-Hawk, 161.

<sup>2</sup> General Atkinson's Report to General Macomb, 25th of August, 1832.

to General Street, the Indian agent, by an act of treachery on the part of two of his followers.<sup>1</sup>

Thus terminated what is called the BLACK-HAWK WAR, upon which various opinions have been expressed, but of which the results were what they invariably have been in all contests between the Indians and the whites. The Indians were dispossessed of their lands. They retreated yet further towards the setting sun, leaving the blood of warriors and the tears of women to water the grass which grew upon the graves of their ancestors. The whites occupy their ancient fields, dig up with inquisitive hands the bones of the dead, replant the soil with the rich and verdant maize, build among them other, more beautiful, and far more magnificent towns; build other tombs, and bury other dead; point their spires, like their hopes, to the blue summits of the skies, and fill the circled earth with the resounding fame of arts and arms!

So passes away one race and is followed by another! Each fulfils in turn the decrees of God, working the purposes of his Providence, and all tending to that ultimate and great end—the reforming and reluming the earth.

In the midst of the alarm excited in Illinois, as above narrated, and with the expectation that the Winnebagoes, Pottawatomies, and other tribes of the North would unite with Black-Hawk, and thus occasion a general Indian war, General Scott was ordered by the war department to proceed to the scene of action, and take command of the forces destined to subdue the savages.

In the beginning of July, 1832, Scott embarked at Buffalo, with a body of nearly one thousand troops, in four

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<sup>1</sup> Drake's Life of Black-Hawk, 163.

steamboats, for Chicago. The purpose was to reach Illinois as speedily as possible, and there co-operate with the United States forces under General Atkinson, and the Illinois mounted militia, in the campaign against the Indians. This purpose was counteracted by one of those sudden, severe, and solemn dispensations of Providence, which arrests the best-concerted schemes, startles the strongest intellect, admonishes man of his weakness, and demonstrates, in wonderful ways, the power of God !

If the traveller would pause on the highway, for one sad and thoughtful moment, to contemplate and inquire the name of some pale corpse suddenly brought before him ; so should the historian pause in his narrative of events to remember, record, and reflect upon any one of those unaccountable phenomena in the laws of existence by which God visits the sins of men with the sweeping devastations of pestilence.

The ASIATIC CHOLERA is one of these. A native of oriental countries, it was long supposed to be confined to Hindostan and the neighboring regions. But in 1831, it spontaneously, and without any observed cause, burst from its former limits, and, like an avalanche, fell with fearful force upon Northern Europe. Crossing from Asia into Russia, it was stopped neither by lines of latitude, nor by the cold snows of Scandinavia. It entered Moscow, proceeded to St. Petersburg, ravaged Hungary, and visited nearly all the populous and renowned cities of Germany. Before it reached either England or France, two hundred thousand persons had already been slain !<sup>1</sup>

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<sup>1</sup> The following table of deaths in the north and centre of Europe, (for a part only of the cities and countries,) will prove the text:

The Destroyer stopped not there. It entered the beautiful metropolis of fashion, and in twenty days slew one in every hundred of its inhabitants!<sup>1</sup> It entered England in May, 1832, and in less than thirty days more, had crossed the broad Atlantic, in emigrant ships, and landed on the shores of North America! There, in a temperate climate, with a sparse and hardy population, it was not yet arrested. Various in its effects, it was still onward. It seemed to move with some invisible spirits of the air. It did not seem to move with the currents of the wind. It did not poison the water. It did not go or come with flaming heats. Nature smiled as serenely beautiful, on these scenes and days of pestilence, as if she were looking down upon a world of joy and ministering to it with

| Countries.      | Deaths. | Of 1000 inhabitants<br>were attacked. | Of 1000 attacked<br>died. |
|-----------------|---------|---------------------------------------|---------------------------|
| Hungary, . . .  | 188,000 | 4.9                                   | 432                       |
| Moscow, . . .   | 4,690   | 24.5                                  | 546                       |
| St. Petersburg, | 4,757   | 26.4                                  | 514                       |
| Vienna, . . .   | 1,899   | 13.2                                  | 477                       |
| Berlin, . . .   | 1,401   | 9.24                                  | 631                       |
| Hamburg, . . .  | 455     | 3.75                                  | 521                       |
| Prague, . . .   | 1,333   | 33.4                                  | 413                       |
| Breslau, . . .  | 671     | 16.4                                  | 528                       |
| Koenigsburg, .  | 1,310   | 31.2                                  | 699                       |
| Magdeburg, .    | 346     | 15.7                                  | 600                       |
| Bremen, . . .   | 694     | 46.2                                  | 327                       |
| Stettin, . . .  | 250     | 15.06                                 | 699                       |
| Halle, . . .    | 152     | 12.7                                  | 503                       |
| Elbing, . . .   | 283     | 19.5                                  | 658                       |
| Total, . . .    | 206,241 | Average, 20                           |                           |

This table, it will be seen, includes only Hungary, and the large towns of Germany, with the cities of Moscow and St. Petersburg.

<sup>1</sup> From the 28th of March, 1832, to the 14th of April, there died seven thousand six hundred and thirty-one in Paris. At that time the disorder had not there reached its height, for it continued in Paris till near June.

fruitful harvests !<sup>1</sup> One thing only was certain. It moved on with the power of a tempest and the terrors of death. Some fled. Some resigned themselves to what might come. Some resorted to amusements. Some engaged with more activity in business. Some were cheered in the midst of danger by a hopeful disposition and a peaceful conscience. But however received, with hope or fear, the feeling of a darkly overshadowing evil was upon the whole people. There was a sense that this was an enemy who could be neither flattered, nor frightened, nor bribed away. Nor could he be conquered. All medical art failed. He must be met, and met with courage, leaving the event among the unveiled mysteries of Providence.

Thus passed the cholera along, no impediments obstructing.

Over rivers and over lakes, over prairies and over forests, it swept with silent but fatal force. It crept along the low banks of streams, and it ascended with the morning mists the mountain side. In the throngs of populous cities, and in the solitude of thick woods, it was still the same. It struck with the same unrelenting hand the rosy cheek of childhood, and the hoary locks of age. The human race stood before it, like the forest trees or orchard's fruit before the whirlwind ; the storm comes, and the trees fall, the limbs break, the shrubs bend, the fruit is scattered : the storm is passed, and the remaining trees stand surrounded by broken trunks and by fallen branches !

Such was the precise effect of the cholera of 1832, in

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<sup>1</sup> It was a singular fact, that in October, 1832, on the Ohio river, when in some places the cholera was terrific, the sun never shone more bright, nor was the air and face of nature ever more bland or beautiful.

the United States. No history can exaggerate the suddenness, the terror, or the irresistible force of its approach. Many, who might be expected to fall first, escaped, while many of the bravest died even from fear.

This was the enemy, the conqueror of conquerors, which attacked Scott's expedition up the lakes, and soon destroyed all its power or utility as a military corps.

The Asiatic cholera, brought over the ocean in an emigrant ship, landed at Quebec in the beginning of June, 1832. Thence it proceeded immediately to Montreal, and thence up the St. Lawrence and the lakes with great rapidity.

Scott had, as we have said, embarked at Buffalo for Chicago, in the beginning of July, with nearly a thousand men, in four steamboats. On the 8th of July, while on the bosom of the lake, the cholera broke out among the troops with great fatality.

The facts attending the presence of this plague among the troops of the northwest have been carefully recorded by the journals of the country, and they will illustrate, as forcibly as any which can be produced, its fatal nature.

General Scott, his staff, and about two hundred and twenty men, embarked in the steamboat Sheldon Thompson, in which, on the 8th of July, the cholera broke out. The boat arrived on the 10th inst., in the night, at Chicago,<sup>1</sup> and in a short time left there. In these half dozen days, out of two hundred and twenty men, one officer and fifty-one men died, and eighty were left sick at Chicago.<sup>2</sup>

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<sup>1</sup> Scott's Letter to Governor Reynolds, 42 Niles's Register, 424.

<sup>2</sup> 42 Niles's Register, 391.

In the steamboat Henry Clay embarked Col. Twiggs, with three companies of artillery, and two or three of infantry.

The fate of these was even worse than that of those in the Sheldon. Even a greater mortality in proportion was experienced, and several of the most promising officers perished.<sup>1</sup> The troops were landed near Fort Gratiot, at the lower end of Lake Huron, in the neighborhood of which they in a few days met with most extraordinary sufferings. We have before us two accounts of the scenes there, and both authentic statements of actual witnesses.

One is written to the *Journal of Commerce*, apparently by an officer.<sup>2</sup> It says, July 10—

“Our detachment, which consisted of about four hundred, has dwindled down to about one hundred and fifty, by pestilence and desertion.

“The dead bodies of the deserters are literally strewed along the road between here and Detroit. No one dares give them relief, not even a cup of water. A person on his way from Detroit here, passed six lying groaning with the agonies of the cholera, under one tree, and saw one corpse, by the road side, half eaten up by the hogs!”

Mr. Norvell, of Detroit, writes thus to the editor of the *Philadelphia Enquirer*:<sup>3</sup> .

“These troops, you will recollect, landed from the steamboat Henry Clay, below Fort Gratiot. A great number of them have been swept off by the disease.

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<sup>1</sup> Among these was Dr. Josiah Everett, an accomplished officer, who died at Fort Gratiot, on the 15th of July. With him died also Lt. Clay.

<sup>2</sup> 42 Niles's Register, 391.

<sup>3</sup> Idem, 390.

Nearly all the others have deserted. Of the deserters scattered all over the country, some have died in the woods, and their bodies have been devoured by the wolves. I use the language of a gallant young officer. Others have taken their flight to the world of spirits, without a companion to close their eyes, or console the last moments of their existence. Their straggling survivors are occasionally seen marching, some of them know not whither, with their knapsacks on their backs, shunned by the terrified inhabitants as the source of a mortal pestilence."

At Chicago, as before and after, General Scott exposed himself, though ill, by attending every officer and soldier taken sick. His conduct, in the continual care and effort for those under his charge, has been testified to by numbers of witnesses, themselves actors and observers in these scenes.

Of the nine hundred and fifty men who left Buffalo, the number was in a short time so reduced, that no more than four hundred were left. Scott was detained by these melancholy occurrences for several days, at Chicago. As soon as he was released, he left Colonel Eustis to follow with his reduced command, and hastened across the prairies to join General Atkinson on the Mississippi. He found him at Prairie du Chien, on the 3d of August, the day after the battle of Bad Axe.

The fugitive Indians were soon brought in prisoners, both with the remainder of the Sac and Fox confederacy, which had remained in a state of doubtful neutrality, and with the Winnebago nation, which had covertly given aid to Black-Hawk's band.

In the mean while, about the middle of August, the

cholera broke out<sup>1</sup> among the regulars of Atkinson's army, at Rock Island, whither Scott had descended from Fort Crawford, Prairie du Chien.

Here Scott was called upon to exercise his wonted kindness by attendance upon the sick and the dying. Night and day he visited and comforted them, himself always, when near it, laboring under some of the symptoms of the disease. Feeble in body, he was yet almost constantly in attendance on the afflicted. Great were his efforts to prevent the spread of the disease, and to overcome the symptoms of panic, scarcely less to be dreaded than the original calamity, which from time to time were exhibited. The mortality was appalling, but at length, on the 8th of September, the infection disappeared.

To Scott's humane and generous conduct, throughout this terrible battle with pestilence, both at Rock Island and on the Lakes, we have the testimony of one who was an eye-witness, and whose situation made him in all respects disinterested. We shall quote his own words —a language as reliable as that of official documents. He says that "the general's course of conduct on that occasion should establish for him a reputation not inferior to that which he has earned in the battle-field; and should exhibit him not only as a warrior, but as a man—not only as the hero of battles, but as the hero of humanity. It is well known that the troops in that service suffered severely from the cholera, a disease frightful enough from its rapid and fatal effects, but which came among us the more so, from the known inexperience of our medical

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<sup>1</sup> 43 Niles's Register, 51. Dr. Coleman, Lieuts. Gale and Torrance, with numbers of soldiers, died.

men, and from the general belief, at that time, in its contagiousness. Under such circumstances it was clearly the general's duty to give the best general directions he could for proper attendance on the sick, and for preventing the spread of the disease. When he had done this, his duty was performed, and he might have left the rest to his medical officers. But such was not his course. He thought he had other duties to perform, that his personal safety must be disregarded to visit the sick, to cheer the well, to encourage the attendants, to set an example to all, and to prevent a panic—in a word, to save the lives of others at the risk of his own. All this he did faithfully, and when he could have had no other motive than that of doing good. Here was no glory to be acquired ; here were none of the excitements of the battle-field ; here was no shame to be avoided, or disgrace to be feared ; because his general arrangements and directions to those whose part it was to battle with sickness, had satisfied duty. His conduct then exhibited a trait in his character which made a strong impression on me, and which, in my opinion, justice requires should not be overlooked.”<sup>1</sup>

This is the language of a calm, intelligent, and impartial observer. It proves that the laurels of Niagara had bloomed again on the banks of the Mississippi, but no longer with crimson flowers. They now appear in those soft and lovely hues which make them kindred with the kindest and gentlest of human emotions.

Near the middle of September, the cholera having sub-

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<sup>1</sup> Private letter of an officer of the army.

sided, the negotiations commenced with the Indian tribes, for the final settlement of difficulties. The scene of negotiation was Rock Island. The commissioners on the part of the United States were General Scott and Governor Reynolds. There, for several weeks, they received and entertained parties of the **SACS**, **FOXES**, **WINNEBA-GOES**, **SIOUX**, and **MENOMINIES**—all warlike nations, and often at war with one another. They now appeared—constrained into peace or neutrality by the presence of well-disciplined battalions—mingling together in the wild and martial costume of their race.

Of these tribes, the **SACS** and **FOXES**, kindred and confederate clans, were the dandies and sometimes the Mamelukes of the forest. Though not very numerous, they are the first in war, the first in the chase, and the first in all that constitutes Indian wealth—cattle, horses, and clothing. Among these there was a master spirit, the celebrated **KE-o-KUCK**, a Sac, then in the prime of life, tall, robust, manly, and who excelled all the surrounding red-men in wisdom and eloquence in council,<sup>1</sup> in the majestic graces of the Indian dance, and in bold adventure against the buffalo, the bear, and the hostile Sioux and Menominie. Yet this person was not by birth a chief, and therefore held no hereditary power. He rose to be head man of the nation simply by his superior abilities.<sup>2</sup> Becoming jealous of him, however, the tribe at one time deposed him.<sup>3</sup> From this degradation, which he bore with great patience and equanimity, he was not

<sup>1</sup> It was he who, by delineating to the Sac nation their true relations to the whites, restrained the Indians from joining Black-Hawk's band in the war. Drake's Life of Black Hawk, 116.

<sup>2</sup> Drake's Life of Black Hawk, 115.

<sup>3</sup> Idem, 123.

altogether restored at the time of the treaty of Rock-Island. He was at that time a kind of treasurer and keeper of the records for the nation. In consequence of his great merit and talent, General Scott prevailed upon the principal persons of the nation again to elevate him to the chieftaincy, from which he was not again removed.

The scenes exhibited during these conferences, were of the deepest interest and the most picturesque kind. They were adapted rather to the pencil of a poet or a painter than to the grave records of history. The wild son of nature, scarcely more barbarous than those old Greek warriors whose names the song of Homer has borne from age to age on the wings of fame, here confronted the man of art and civilization, face to face, in warlike array, and in peaceful amusement. The song, the dance, the chase, the rolling drum and the whooping shout, the white soldier and the tawny maiden, were mingled together in this conference between the retreating representatives of barbarism and the advancing children of improvement.

When the chiefs and warriors of the confederacy on extraordinary occasions approached head-quarters, it was always with the loud tramp and shout, which seemed to be rather the clangor of war than the forms of ceremony. When a council was to meet, they came at a furious charge; suddenly dismounted, arranged themselves in order, and then, between lines of soldiers, entered the pavilion with the firmness of victors, but with all the deep solemnity of a funeral. Arrayed in scarlet hues, their national color, sometimes on foot and sometimes mounted, nothing could be more striking than the fine figures, arms, and costume of the men. Their wives and daughters, too, were better looking, better clothed and ornamented,

than other Indian women, and generally sustained the reputation of virtue and modesty.

In the afternoons the scene was frequently enlivened by Indian dances at head-quarters. These dances are generally pantomimes, remarkably descriptive of the achievements, events, and history of the individual or the tribe. They are exhibited by a large number of young warriors at the same time, to the music of rude instruments, and accompanied by occasional whoopings. The dancers are strictly attentive to time and order, rendering their movements accordant by the modulation of the hand. The dances are principally, either the war, buffalo, or corn dances.

The Sac chief Ke-o-kuck<sup>1</sup> executed a *pas seul*, presenting a spirited account of a war expedition, which he had himself conducted against the Sioux. The spectator having only a slight intimation of the subject, had yet presented distinctly to his mind the whole story in its vivid details. He saw the distance overcome, the mountains and streams passed, the scouts of the enemy slain, the crooked, stealthy approach, the ambush laid, the terrible whoop and onslaught, and the victory which followed as the crowning triumph of the warrior.

Sometimes these Indian dances were followed by cotillions, to the music of a military band, in which the American officers mixed, as partners and instructors of the Indians. In these amusements the Indian ladies were too modest to engage, but graced the scene with their presence, and testified their enjoyment by cheers and laughter. Meanwhile, a guard of grenadiers looked

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<sup>1</sup> Ke-o-kuck signifies, he who has been everywhere.

on with quiet delight—a band of martial music sent forth its melody, fireworks sent up their red light and gleamed against the evening sky, shells and rockets burst in the air, the distant hills returned the echo, and these were mingled with the shrill shrieks of Indian applause. Refreshments were handed round nearly in the manner of our cities. Thus the white and the red man, the son of the forest and the pupil of cities, the aboriginal and the Anglo-Saxon, were mingled together in social amusements with strong and singular contrast.

The conferences and treaty which followed were of high importance, both to the Indians and the United States. Governor Reynolds being an eminent lawyer and a high political functionary, was requested to take the lead in the councils. He, however, declining, it became the duty of General Scott to conduct the discussions. His speeches, and those of the Indian orators were ably and promptly interpreted and taken down at the time, by the secretary to the commissioners, the late talented and accomplished Captain Richard Bache, of the army. By him they were deposited in the archives of the war department.

The interviews with the deputations of the Sioux and Menominees were interesting, although merely incidental to the war, which was now about to be terminated. But with the confederacy to which Black-Hawk belonged, as also with the Winnebagoes, their accomplices, the negotiations and their results were at once grave and important. Scott opened the council with a speech to the Sacs and Foxes. He paid a just compliment to Ke-o-kuck and certain other chiefs, for their prudence and patriotism in preventing the larger body of their people from rushing into a war, which Black Hawk madly expected with twelve

hundred warriors, to carry to the shores of the lakes and the Ohio ! He adverted to the fact, that the Mississippi was passed and the invasion commenced, without it being known to the government or people of the United States, that any serious cause of complaint existed on the part of their red brethren. He declaimed against the crime of violating a solemn treaty of friendship, such as had long existed between the parties ; against the murders and desolations committed upon defenceless and unoffending settlers. He complimented Brigadier-General Atkinson and his troops on their vigorous pursuit and final defeat of the lawless invaders : recalled the pains which had been taken for weeks after the battle, to hunt up the wounded, the women and children, to save them from imminent starvation ; and the extraordinary care, seen and admired by all, which had been bestowed on those pitiable captives.<sup>1</sup> He contrasted these acts of humanity with the cruelties perpetrated on the other side,<sup>2</sup> and took care that the great superiority of Christianity and civilization should be perceived and felt by all who heard him.

He next turned to the question of settlement, under the

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<sup>1</sup> The stragglers were mostly brought in by the Sioux, who were requested to perform that charitable service. A great chief and his wife, who were childless, had picked up a female infant, whose father had been killed, and whose mother had died of hunger. The aged Sioux had become exceedingly attached to the foundling, and begged to be allowed to retain it ; but the surviving relatives demanded the child, and General Scott was powerfully appealed to on both sides. Nothing could be more touching than the simple eloquence of the would-be parents. By intercession and presents, consent was obtained, and the finders carried off the prize.

<sup>2</sup> There were cruelties on both sides, and some that General Scott was probably not aware of.

instructions received by the commissioners, stated the cost of the war to the United States to be more than a million of dollars ; and claimed the right of holding, without further price, any reasonable portion of the enemy's country, then in the power of the conquerors ; and after laying down the principle of indemnity in its utmost rigor, he concluded—" But, as the great God above, alike the Father of the white and red man, often deals mildly with his children, even when they have grossly sinned against his holy law and their own best interests, so would the people of the United States, in the fulness of their power, imitate the Divine example, and temper justice with mercy, in dealing with their feeble brethren of the forest."

These discussions finally ended in the consummation of treaties with these tribes, which secured to the United States immensely valuable tracts of land, while it also secured to the Indians peace and protection.

Two treaties were concluded.<sup>1</sup> The one with the Sacs and Foxes ceded to the United States about six millions of acres, constituting the greater part of the then territory and now state of Iowa. It is one of the best parts of the Union—fertile in soil, sufficiently temperate in climate, and abounding in lead and other mineral ores.

In consideration of this valuable cession, the United States gave a reservation of about four hundred square miles, on the Iowa River, to Ke-o-kuck and his friendly band ; agreed to pay the Indians an annuity of twenty thousand dollars per annum for thirty years ; to pay the debts of the tribe ; and to employ a blacksmith and gun-

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<sup>1</sup> 43 Niles's Register, 114.

smith, in addition, for them. Besides this, the confederate tribes were left ample space to plant and hunt in, for themselves and their posterity.

A similar treaty was made with the Winnebagoes, by which they ceded to the United States nearly five millions of acres, east of the Mississippi, north of the Illinois, and south of the Wisconsin, comprehending a large and valuable part of the present territory of Wisconsin. To the Indians were reserved the lands beyond the River Wisconsin and Lake Winnebago. To them also were granted annuities nearly as liberal as in the case of the Sacs, together with hunting grounds beyond the Mississippi, and opposite to those reserved.

These treaties have been of great value and importance to the people of the United States. In a little more than twelve years, the lands thus granted have become the abode of tens of thousands of civilized and intelligent settlers. The territory of Iowa as well as that of Wisconsin, promises to be among the most fertile as well as best populated parts of the American Union.

In these transactions with several tribes of Indians, Scott had the good fortune to be regarded by them as a friend and a brother. He has since, in the East, been visited by both Ke-o-kuck and Black-Hawk; and more recently, (in 1839,) has been most kindly received by the Winnebagoes, at their own homes in Wisconsin.

In allusion to these transactions with the Indians, and to his generous services in ameliorating the horrors and sufferings produced by the cholera, the Secretary of War, General Cass, said, in reply to Scott's final report—

“Allow me to congratulate you, sir, upon this fortunate consummation of your arduous duties, and to express my

entire approbation of the whole course of your proceedings, during a series of difficulties requiring higher moral courage than the operations of an active campaign, under ordinary circumstances."

The assertion of the secretary was entirely correct; for there have not been wanting those who had defied, in the high hope of glory, all the death-dealing agents of the bloody battle; and yet, as if terror-stricken by some invisible power, have quietly sunk under the fears of pestilence. Those who knew best, have testified in this as in other actions, not only to the moral courage, but to that invaluable trait of character, a sagacious presence of mind, in General Scott, which has borne him successfully through all the varied scenes of danger, of enterprise, and of high intellectual demand, either moral or physical, into which his active life has led him.

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## CHAPTER XVI.

1828 to 1832.

General Scott ordered to Charleston.—Tariff of 1828.—Colleton Meeting.—Resistance to the Laws proposed.—McDuffie's Speech.—St. Helena Resolution.—Germ of Nullification.—Major Hamilton's Speech at Walterborough.—Nullification.—Resolutions of the South Carolina Legislature.—J. C. Calhoun's Letter from Fort Hill.—Judge Smith's answer at Spartanburg.—Union Party.—Convention.—Ordinance of Nullification.—Governor Gayle.—State Resolutions.—General Jackson's Proclamation.—Troops ordered to Charleston.—General Scott's Orders.—Scott's Arrangements.—Test Oath.—Night Scene in Charleston.—Conduct of the Army and Navy.—Fire in Charleston and Incidents.—Scott's Correspondence.

GENERAL SCOTT had scarcely returned from the scenes of Indian wars and Indian treaties in the West, when he was called to mingle in others on the Southern border, which threatened far more danger to the peace and safety of the American Union. He arrived at New York in October, 1832, and had been with his family but a day or two, when he was ordered to Washington, to receive a new mission and a new trust. After a conference with the president and cabinet, on the difficulties which had arisen in South Carolina, he was dispatched in that direction on a business of the greatest delicacy and importance, and with powers requiring the exercise of the highest discretion.

This difficulty was the attempt to nullify the revenue laws of the United States, by the action of a single state, South Carolina. This theory, and the events which followed its assertion in that state, are commonly called "nullification." It is unnecessary here to discuss any of the opinions held by various men and parties in the questions connected with a tariff of revenue duties, or with the reserved rights of the states. It is necessary, however, to give the reader a candid statement of the facts and events in this singular portion of American history, in order that the precise situation of the country, when General Scott arrived at Charleston, its internal dangers, and the part he had in quieting those difficulties, may be fairly understood. In this, there is no need of inquiring into motives, and little chance of error; for the parts of the several actors were performed in public, recorded by the public press, and sent upon the winds by the voices of a thousand witnesses. It was not so, however, with the part of General Scott; for his duties were confidential. They were required to be performed with silence and delicacy. Hence, however much might depend upon his discretion, the mere fact of its exercise afforded little that was tangible and expressive to the pen of history. Yet we shall see, that his position and conduct there exercised a controlling influence over the event, and contributed mainly to the peaceful termination of the controversy.

The excitement which terminated in what was called "nullification," commenced in consequence of the passage of the tariff act of 1828. That act raised the revenue duties levied on the importation of foreign goods higher than any previous revenue act of the United States. It

was passed avowedly for the protection of American industry. It was resisted by nearly all the representatives of the cotton-planting states, on the ground that it was injurious to their interests and contrary to the Constitution of the United States. They argued, that the greater the duties, the less the importations; and that the less the importations, the less would be the exportations; because foreign nations would have less ability to purchase. They deemed it unconstitutional, because they said it was unequal taxation.<sup>1</sup>

This was the substance of the argument by which a majority of the citizens of South Carolina arrived at a belief, that the tariff act was both injurious to them, and unconstitutional. On this belief, they proceeded to resist the act by public meetings and inflammatory resolves, and finally to advance and carry out the doctrines of nullification.

The tariff act of 1828 was passed on the 15th of May of that year, and from that time henceforward for more than four years, a continual excitement was kept up in the extreme southern states, especially South Carolina and Georgia. In South Carolina, however, the most ultra measures were proposed, and there the question was

<sup>1</sup> The vote of the House of Representatives on the tariff act of 1828, should be borne in mind in order that we may clearly understand how the great interests of the country voted.

|                                                          | <i>Yeaſ.</i> | <i>Nayſ.</i> | <i>Yeaſ.</i>                                                                                                | <i>Nayſ.</i> |
|----------------------------------------------------------|--------------|--------------|-------------------------------------------------------------------------------------------------------------|--------------|
| New England,                                             | 16           | 23           | Delaware and Maryland,                                                                                      | 2 5          |
| New York, New Jersey,<br>and Pennsylvania,               | 55           | 6            | Virginia, North Carolina,<br>South Carolina, Georgia,<br>Louisiana, Tennessee,<br>Alabama, and Mississippi, | 3 60         |
| Ohio, Indiana, Illinois,<br>Kentucky, and Mis-<br>souri, | 29           | 1            |                                                                                                             |              |
|                                                          |              |              | Total, 105 yeas;                                                                                            | 95 nays.     |

brought to a direct issue, and bloodshed even only averted by the great caution of the public officers, and the milder temperament of Congress.

This act, as we have narrated, was passed by the house on the 15th of May, and on the 12th of June, only twenty-eight days afterwards, the citizens of Colleton district, South Carolina, assembled at the court-house, in Walterborough, and there adopted "an address to the people of South Carolina,"<sup>1</sup> which openly avowed the doctrine of resistance to the laws of the Union.

This address contains the following passages—

"What course is left us to pursue? If we have the common pride of men, or the determination of freemen, we must resist the imposition of this tariff. We stand committed. To be stationary is impossible. We must either retrograde in dishonor and in shame, and receive the contempt and scorn of our brethren superadded to our wrongs, and their system of oppression strengthened by our toleration; or we must 'by opposing, end them.'

"In advising an attitude of open resistance to the laws of the Union, we deem it due to the occasion, and that we may not be misunderstood, distinctly but briefly to state, without argument, our constitutional faith. For it is not enough that imposts laid for the protection of domestic manufactures are oppressive, and transfer in their operation millions of our property to northern capitalists. If we have given our bond, let them take our blood. Those who resist these imposts must deem them unconstitutional, and the principle is abandoned by the payment of one cent as much as ten millions."

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<sup>1</sup> Colleton Addresses, 34 Niles, 288-290.

In this address, according to its own terms, an attitude was assumed "of open resistance to the laws of the Union."

Another address was adopted at the same time, requesting that Governor Taylor would "immediately convene the legislature of the state." The Colleton movement of "open resistance to the laws" was, however, not seconded by other portions of the state, at that time, and Governor Taylor, in a letter dated the 4th of July, 1828, declined calling the legislature together, prudently remarking, that "the time of great public excitement is not a time propitious for cool deliberation, or wise determination."<sup>1</sup>

On the 19th of June, a dinner was given, at Columbia, South Carolina, to Mr. George McDuffie, one of the representatives in Congress.<sup>2</sup> At this dinner, he recommended the laying, by the state, of a tax on Northern manufactured goods, and concluded with the toast, which was drunk with great applause<sup>3</sup>—

" Millions for defence, not a cent for tribute."

During the remainder of the year 1828, the excitement increased in South Carolina, Georgia, and some parts of Alabama. Many public dinners were given to the representatives of South Carolina, especially Mr. George McDuffie. At these assemblies inflammatory toasts were given, and numerous warm speeches made. Several of the newspapers in the lower part of South Carolina spoke as if that state had been deprived of her constitutional rights, and the general government converted into an ab-

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<sup>1</sup> Governor Taylor's Letter, 34 Niles, 366.

<sup>2</sup> 34 Niles, 302.

<sup>3</sup> *Idem*, 339.

solute despotism, which it was as much the duty of citizens to resist, as if they had lived in the days of the Revolution, and were opposing the taxation of Great Britain.<sup>1</sup>

Nullification was not then altogether formed and shaped in the plans of those disposed to resist the general government. There was, however, a germ of that idea found in several of the resolutions passed at public meetings.

At the parish of St. Helena the following resolution was passed—

*"Resolved,* That, differing from those of our fellow-citizens who look to home production, or more consumption of the fabrics of the tariff states,<sup>2</sup> as a relief from our present burdens, we perceive in these expedients rather an ill-judged wasting of the public energy, and diversion of the public mind, than an adequate remedy for the true evil, the usurping spirit of Congress, which (since that body will never construe down its own powers) can be checked, in our opinion, only by the action of states opposed to such usurpation."<sup>3</sup>

This was the germinal idea of what afterwards became nullification, though perhaps not first announced at that particular place.

In many counties of Georgia the anti-tariff excitement was also developed, in public meetings and resolutions; but there the measures were not of the same species. It was there proposed to lay an excise duty on Northern

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<sup>1</sup> 34 Niles, 302. See the body of McDuffie's speech.

<sup>2</sup> This was in reference to the fact, that at many of the meetings in South Carolina, it was resolved to wear only their own manufactures, and abstain wholly from those made north of the Potomac.

<sup>3</sup> 35 Niles, page 62.

manufactures, and it was resolved not to consume the produce, especially the staple articles, of Kentucky, Ohio, and other states, which had supported the tariff.<sup>1</sup>

The grand jury of Wilkes county, Georgia, at the close of the session of the superior court, in which the Hon. William H. Crawford presided as judge, made the subject of the tariff one of the objects of their consideration, and they recommended the legislature and their representatives in Congress, to take such measures on the subject as they constitutionally could. They wisely expressed themselves thus, in regard to the excitement then abroad—

“To our fellow-countrymen we would recommend, moderation in feeling, temperance in language, forbearance in all things.”<sup>2</sup>

At length, in November, 1828, in a speech made by Major James Hamilton, who had been a member of the preceding Congress, at Walterborough, South Carolina, the plan was developed which four years subsequently it was attempted to carry out.<sup>3</sup>

In that speech he represented that the country had reached a crisis, in consequence of the “abuses of internal legislation” among the members of “its separate and confederate sovereignties.” He depicted South Carolina as in ruins, and the wilderness returning to cover with

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<sup>1</sup> At Laurens C. H., S. C., at Edgefield, in Baldwin and Montgomery counties, Georgia, and in other places, it was resolved not to consume or buy, the hogs, cattle, mules, bacon, &c., the products of the western tariff states. Kentucky and Ohio, it will be observed, had voted unanimously for the tariff of 1828.

<sup>2</sup> 35 Niles, 63.

<sup>3</sup> Idem, 203-208.

weeds and forests the homes of civilization, and this altogether as a consequence of the tariff.

The picture was drawn with great eloquence and force, and if it were a reality, there was certainly much to lament. "Look abroad," says Major Hamilton, "through this once happy, this once prosperous land; see the wilderness regaining her empire. Look at these waste and desolate spots which once teemed with fertility and life, abandoned to the fern, which rears its head amidst solitudes which were once blessed by the smiling industry of man. Where are now those beautiful homesteads and venerable chateaux which once adorned the land of our fathers, the abodes of hospitality and wealth, from which the most generous benefactions were dispensed to contented labor, by which slavery itself lost half the burden of its chains in the kindness with which they were imposed? Gone, fallen into irreversible decay. On the very hearth-stone where hospitality kindled the most genial fires that ever blazed on her altars, the fox may lie down in security and peace; and from the casement of the very window from which notes of virtuous revelry were once heard, the owl sends forth to the listening solitude of the surrounding waste, her melancholy descant, to mark the spot where desolation has come."

Such were the strains by which South Carolina was called to believe herself deeply injured, her feelings outraged, and her rights violated. "But how," says the orator, "are we to interpose for the purpose of arresting the progress of the evil?" To this he replies—"A nullification, then, of the unauthorized act is the rightful remedy."<sup>1</sup>

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<sup>1</sup> 35 Niles's Register, 208.

This doctrine was professedly founded on the Virginia and Kentucky resolutions of 1798, and it was defended as a peaceful measure. Looking, however, to bloodshed as a possible consequence, it was argued that this could only take place as the act of the majority. Such an act, says Major Hamilton, would dissolve the Union ; but, says he, "if the Union be dissolved, theirs will be the odium of such a lamentable disruption."

This was the sort of language addressed to the people of South Carolina, and under its influence the excitement increased.

When the legislature of South Carolina met in December, the feeling which was so strongly developed among the people was exhibited with equal strength in that body. Messrs. Preston, Waddy Thompson, and Holmes, offered resolutions in the House of Representatives<sup>1</sup> of which the substance was, that the tariff acts were palpable and dangerous infractions of the Constitution, and that the state had the right to interpose and arrest them.

Other resolutions were offered of various shades of opinion, but the one finally adopted was, that it is expedient again to remonstrate, to enter a protest, and to make a public exposition of wrongs.<sup>2</sup>

In the Senate a more violent course was adopted. It was there

"*Resolved*, That the tariff acts of Congress for the protection of domestic manufactures, are unconstitutional, and should be resisted, and the other states be invited to co-operate with us in the measures of resistance."<sup>3</sup>

In the mean while, James Madison had written two

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<sup>1</sup> 35 Niles's Register, 304.

<sup>2</sup> Idem, 306.

<sup>3</sup> Idem, 308.

letters, published by a friend, declaring the constitutionality of the tariff.<sup>1</sup> These letters appear to have had a sedative effect on the anti-tariff excitement; for the public mind seems immediately afterwards to have been diverted to other objects, and nullification was not attempted till four years had passed away.

In May, 1832, however, Congress again revised the tariff, not for the purpose of increasing the duties—but for that of remodifying them, and rendering some of them more agreeable to the Southern states. That it had done so, Colonel DRAYTON declared in an address to the people of South Carolina, exhorting them to sustain the Union.<sup>2</sup> It proved unsatisfactory, however, to those who had so vehemently opposed it in 1828; and the excitement was again renewed. The remedy which had been suggested by the St. Helena resolutions, and put forth in Major Hamilton's speech, was now openly declared to be the right of the state, and that which the people should adopt, if they had spirit, or liberty. Their imaginations were inflamed with the idea, that they were deliberately imposed upon by the majority of the Union, and that honor required that they should assert their dignity and their rights, by resistance. Inflammatory toasts were drunk at public meetings, and the ablest and most distinguished public men supported the measures, which it was assumed were right, and by which the state was to resist the laws of the Union.

Mr. JOHN C. CALHOUN, in a letter dated "Fort Hill, 30th of July, 1832," declared that nullification was a peaceful remedy, and necessary to the preservation of other powers.<sup>3</sup>

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<sup>1</sup> 45 Niles's Register, 2.

<sup>2</sup> Idem.

<sup>3</sup> 43 Idem, 56.

"The ungrounded fear," said he, "that the right of a state to interpose in order to protect her reserved powers against the encroachments of the general government, would lead to disunion, is rapidly vanishing, and as it disappears, it will be seen that so far from endangering, the right is essential to the preservation of our system, as essential as the right of suffrage itself."

"Thus thinking, I have entire confidence that the time will come, when our doctrine, which has been so freely denounced as traitorous and rebellious, will be hailed as being the great conservative principle of our admirable system of government, and when those who have so firmly maintained it under so many trials, will be ranked among the great benefactors of the country."

The doctrine of "state interposition" against the general government, is here defended as an essential right, and the future approbation of the people confidently expected.

To understand the exact state of things in South Carolina, at that time, and the conflict likely to ensue between the majority in the state supporting nullification by the state power, and the general government executing the laws, with a minority in South Carolina supporting it, we must review two or three other important movements.

The doctrines of Mr. McDuffie, Major Hamilton, Mr. Calhoun, and other leaders of the nullification party, were as strongly opposed by other distinguished men in South Carolina.

JUDGE SMITH, formerly United States Senator, in an address to the people of Spartanburgh district, thus writes — "To say you can resist the general government, and remain in the Union, and be at peace, is a perfect delu-

sion, calculated only to hoodwink an honest community, until they shall have advanced too far to retrace their steps ; which they must do, and do with disgrace and humiliation, or enter upon a bloody conflict with the general government. For the general government cannot bow its sovereignty to the mandates of South Carolina, while the Union is worth preserving. And be assured, it will not bow to the mandate of any state, while the sovereign people believe that a confederated government is calculated to promote their peace, their honor, and their safety.”<sup>1</sup>

It is seen that the political ideas inculcated in the extracts last quoted, are directly opposed to those stated in the former extract from the letter of Mr. Calhoun. The latter assumes the supremacy of the UNION, the former that of the STATE, under the name of state interposition. Hence, in the controversy which ensued, the name of the party of the majority was known as the *nullification party*, and that of the minority as the *Union party*. The controversy between these parties in the state was even more excited than that between the state and the general government. This was the state of things when, in October, 1832, the legislature of South Carolina passed an act providing for the “calling of a convention of the people” of that state.<sup>2</sup> The object of this convention in the terms of the act, was “to take into consideration the several acts of the Congress of the United States, imposing duties on foreign imports for the protection of domestic manufactures, or for other unauthorized objects ; to determine on the character thereof, and to devise the means of redress.”

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<sup>1</sup> 43 Niles’s Register, 42.

<sup>2</sup> Idem, 152.

The convention elected according to this statute, as assembled at Columbia, the seat of government, on the 19th of November, 1832.<sup>1</sup> The convention being assembled, enacted an “ordinance,” whose title was “to provide for arresting the operation of certain acts of the Congress of the United States, purporting to be taxes laying duties and imposts on the importation of foreign commodities.”

On the final passage of the ordinance the word “nullify” was substituted for “arresting.”<sup>2</sup>

This ordinance assumed to nullify the laws of the United States, to prevent the operation of the courts, and finally, to place all officers under oath to obey only the ordinance, and the laws made to give it effect.

The *2d section* pronounced the tariff acts of 1828 and 1832 “null, void, and no law, nor binding upon the state, its officers, or citizens.”

The *3d section* declared it unlawful “for any of the constituted authorities, whether of the state or the United States, to enforce payment of the duties imposed by said acts, within the limits of the state.”

The *4th section* ordered that no case of law or equity decided in that state, wherein was drawn in question the validity of that ordinance, or of any act of the legislature passed to give it effect, should be appealed to the supreme court of the United States, or regarded if appealed.

*Section 5th* required that every one who held an office of honor, trust, or profit, civil or military, should take an oath to obey only this ordinance, and the laws of the legislature passed in consequence of it.

The *6th section* declared, that if the general govern

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<sup>1</sup> 43 Niles's Register, 219.

<sup>2</sup> Idem, 277.

ment should employ force to carry into effect its laws, or endeavor to coerce the state by shutting up its ports, that South Carolina would consider the Union dissolved, and would "proceed to organize a separate government."

No one could for a moment doubt the meaning or bearing of this ordinance. It was an open, frank, and direct resistance of the laws of the Union, and notwithstanding the confident expectations of fellowship and assistance from other anti-tariff states, it was soon apparent that they would oppose the violent course of opposition to the law marked out by the South Carolina convention. Nor did the measure tend towards peace even in South Carolina. A Union convention was soon after held to counteract this movement.<sup>1</sup> The neighboring states were very explicit in their opposition. Governor Gayle, in his message to the Alabama legislature, condemned nullification in the strongest terms. "If," said he, "it [nullification] shall be recognised as the true constitutional doctrine, that a state can remain a member of the Union, and at the same time place her citizens beyond the reach of its laws, ours will not be the shadow of a government, and for all practical purposes it will be dissolved. But the strife and dissension which have been produced by the persevering efforts of the advocates of this doctrine, to gain for it the favorable opinion of the people, have been carried to such excesses, that it is already growing into an evil not less to be deprecated than the tariff itself. If the firstfruits of this doctrine of peace are deep and bitter feelings of personal hostility, furious family discords, and a destruction, in fact, of the peace and harmony of

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<sup>1</sup> 43 Niles's Register, 279.

society, what are we to expect when it puts forth in all its vigor?"<sup>1</sup>

The legislature of Tennessee passed resolutions unanimously (one member declining to vote) denouncing nullification<sup>2</sup> in the strongest terms.

The legislature of Georgia, also a strong anti-tariff state, passed anti-nullification resolutions, by strong majorities.<sup>3</sup>

By the action of these adjoining states, South Carolina was left alone in the plan which she had proposed, of arresting the operation of the United States laws by state interposition. Nevertheless, the ordinance passed by the convention was decisive of her course. The legislature at its next session, passed acts to carry into effect the ordinance, and a large body of volunteers was called into the state service.<sup>4</sup>

This was the state of things in South Carolina, and in the Union, when, on the 10th of December, 1832, General Jackson issued his PROCLAMATION, exhorting all persons to obey the laws, denouncing the ordinance of South Carolina, and giving a very clear exposition of the principles and powers of the general government.<sup>5</sup> This proclamation was written with great ability, and coming from the most popular man in the United States, exercising the functions of chief magistrate, and taking part with that LOVE OF UNION which, in all times and all circumstances,

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<sup>1</sup> 43 Niles's Register, 220. Resolutions of Alabama, 387.

<sup>2</sup> Idem, 220.

<sup>3</sup> 43 Niles, 279, 286. These resolutions were also passed in a number of other states. In Pennsylvania, 43 Niles, 333; New York, 386; North Carolina, 386; Indiana, 400; Delaware, 422.

<sup>4</sup> 43 Niles's Register, 288, 300, 332.

<sup>5</sup> Idem, 260.

has been an element in American character, the proclamation was universally read, and almost universally received with approbation and applause. The legislature of South Carolina answered in an appeal to the people of that state.<sup>1</sup>

Two citations from the proclamation of General Jackson will show the principles and object of that instrument.

"I consider, then," says the President, "the power to annul a law of the United States, assumed by one state, incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed."<sup>2</sup>

"This, then, is the position in which we stand. A small majority of the citizens of one state in the Union have elected delegates to a state convention. That convention has ordained that all the revenue laws of the United States must be repealed, or that they are no longer a member of the Union. The governor of that state has recommended to the legislature the raising of an army to carry the secession into effect, and that he may be empowered to give clearance to vessels in the name of the state. No act of violent opposition to the laws has yet been committed, but such a state of things is hourly apprehended, and it is the intent of this instrument to PROCLAIM not only that the duty imposed on me by the constitution 'to take care that the laws be faithfully executed,' shall be performed to the extent of the powers

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<sup>1</sup> 43 Niles's Register, 300.

<sup>2</sup> Idem, 261.

already vested in me by law, or of such other as the wisdom of Congress shall devise and intrust to me for that purpose ; but to warn the citizens of South Carolina who have been deluded into an opposition to the laws, of the danger they will incur by obedience to the illegal and disorganizing ordinance of the convention ; to exhort those who have refused to support it, to persevere in their determination to uphold the constitution and laws of their country, and to point out to all the perilous situation into which the good people of that state have been led, and that the course they are urged to pursue is one of ruin and disgrace to the very state whose rights they affect to support.”

The ordinance of South Carolina passed November 24th, 1832,<sup>1</sup> the President’s proclamation was signed on the 10th of December, and on the 21st of December, the South Carolina legislature adjourned, having passed the laws necessary to give effect to the ordinance.<sup>2</sup> These were the several acts on which depended the possibility and even probability of an actual conflict between the authorities of South Carolina and the general government. The promulgation and strong language of the President’s proclamation was in itself the most authentic proof of the intensity of feeling, and the fear of danger, which existed among the people of the United States in consequence of the South Carolina ordinance, and the military array by which it was proposed to support it.<sup>3</sup>

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<sup>1</sup> 43 Niles’s Register, 277.

<sup>2</sup> Idem, 301.

<sup>3</sup> The governor had called out twelve thousand volunteers. The whole state was a military camp, and the utmost zeal was exhibited, by those who contended for nullification, to defend their views in any way whatever. See 43 Niles’s Register, 288, 318, and various other passages.

In the mean while, the President and cabinet were making all arrangements preparatory to a conflict, with a determination to stand on the defensive; but with a firm resolve also, to collect the revenue and enforce the laws of the United States.

It is at this point in history, that General Scott was called, in the exercise of his military functions, to perform a part, not very conspicuous to the public eye, but most important in its consequences to the Union and the future welfare of the republic. What part that was will be shown by the unimpeachable testimony of authentic facts.

Before the ordinance was passed, and about the period of the session of the South Carolina legislature which provided for the meeting of the convention, President Jackson, from facts which came to his knowledge, thought it not improbable that an attempt would be made to seize or in some way get possession of the forts in the harbor of Charleston.

To prevent this, General Macomb issued an order,<sup>1</sup> dated "Washington, October 29th, 1832," directed to Major Heileman, commanding the United States troops at Charleston. A paragraph from this order will explain a portion of this history.

The order says—"It is deemed necessary that the officers in the harbor of Charleston should be advised of the possibility of attempts being made to surprise, seize, and occupy the forts committed to them. You are therefore especially charged to use your utmost vigilance in counteracting such attempts. You will call personally on the

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<sup>2</sup> "Orders" transmitted to the Senate by the President, 43 Niles, 436.

commanders of Castle Pinckney and Fort Moultrie, and instruct them to be vigilant to prevent surprise in the night, or by day, on the part of any set of people whatever, who may approach the forts with a view to seize and occupy them. You will warn the said officers that such an event is apprehended, and that they will be held responsible for the defence, to the last extremity, of the forts and garrisons under their respective commands, against any assault, and also against intrigue and surprise. The attempt to surprise the forts and garrisons, it is expected, will be made by the militia, and it must be guarded against by constant vigilance, and repulsed at every hazard. These instructions you will be careful not to show to any persons, other than the commanding officers of Castle Pinckney and Fort Moultrie."

This was a *confidential order*, and its terms express the apprehension and anxiety then felt by the government.

On the 7th of November an order from the war department directed two companies of artillery to proceed forthwith to Fort Moultrie, Charleston harbor.<sup>1</sup>

On the 12th of November, a further order<sup>2</sup> from General Macomb to Major Heileman directed, that the "citadel" in Charleston, and belonging to the State of South Carolina, should be delivered up, with the state arms, if required; that every thing should be done with courtesy, but, if attacked, the troops should defend themselves.

At this crisis the services of General Scott, in a mission to South Carolina of extraordinary delicacy, were called into requisition by President Jackson. On the 18th of November, 1832, a *confidential order*<sup>3</sup> was issued from

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<sup>1</sup> 43 Niles, 437.

<sup>2</sup> Idem.

<sup>3</sup> Idem. Published February, 1833.

the war department to General Scott. The order, after expressing the President's solicitude as to affairs in South Carolina, a hope from the intelligence of the people, and a fear lest some rash attempt should be made against the forts of the United States in the harbor of Charleston, proceeds to say—

“The possibility of such a measure furnishes sufficient reason for guarding against it, and the President is therefore anxious that the situation and means of defence of these fortifications, should be inspected by an officer of experience, who could also estimate and provide for any dangers to which they may be exposed. He has full confidence in your judgment and discretion, and it is his wish that you repair immediately to Charleston, and examine every thing connected with the fortifications. You are at liberty to take such measures, either by strengthening these defences, or by reinforcing these garrisons with troops drawn from any other posts, as you may think prudence and a just precaution require.

“Your duty will be one of great importance, and of great delicacy. You will consult fully and freely with the collector of the port of Charleston, and with the district attorney of South Carolina, and you will take no step, except what relates to the immediate defence and security of the posts, without their order and concurrence. The execution of the laws will be enforced through the civil authority, and by the mode pointed out by the acts of Congress. Should, unfortunately, a crisis arise, when the ordinary power in the hands of the civil officers shall not be sufficient for this purpose, the President shall determine the course to be taken and the measures adopted. Till, therefore, you are otherwise instructed, you will act

in obedience to the legal requisitions of the proper civil officers of the United States.

"I will thank you to communicate to me, freely and confidentially, upon every topic which you may deem it important for the government to receive information.

"Very respectfully,

Your obedient servant,

LEWIS CASS."

"Major-General Winfield Scott."

In addition to this order, there was a personal interview between the President, some of the cabinet, and General Scott, in which the principles and views held by General Jackson and his administration were fully expressed.<sup>1</sup>

General Scott arrived in Charleston on the 28th of November, just two days after the passage of the ordinance. All was excitement. He found the people of Charleston divided into two parties, nearly equal in point of numbers, and each exasperated towards the other.

It happened that this was the usual period for General Scott's annual tour of inspection along the Atlantic coast, in which he included also the arsenals of the interior. He therefore suffered it to be believed, that he was now on this ordinary duty. Fortunately, too, he happened to be lamed, by accident, on the road, which gave him a sufficient pretext for lingering awhile at Charleston, Augusta, and Savannah, without awakening any jealousy or suspicion of the great purpose of his visit.

It was as important that he should not, by his presence

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<sup>1</sup> See Secretary Cass's Letter, dated December 3d, 1832, in 43 Niles.

or his acts, increase the excitement of the public mind, already too much inflamed, thus precipitating rash measures on the part of South Carolina, as it was that, in the last resort, he should maintain the supremacy of the laws held to be constitutional by every department of the federal government, and alike binding on all the states. This duty he was resolved to execute at every hazard to himself, but with all possible courtesy and kindness compatible with that paramount object. In this, his heart's warm feeling was, that the disaffected might be soothed, and South Carolina held in affectionate harmony with her sister states.

The 1st of February had been fixed by the ordinance as the crisis, provided Congress did not previously modify the tariff. Scott passed rapidly along to Augusta, Savannah, and Charleston, quietly laying his plans and dispatching orders, so as to be ready for any event. The best understanding was established between the United States district attorney, the marshal, and himself. In conjunction with the collector of the port, it was arranged to establish the custom-house, when necessary, under the guns of Fort Moultrie. This is six miles below the city, and commands the entrance to the harbor. He called for steamboats, armed vessels, and troops, all of which arrived from different points without the knowledge of each other's approach.<sup>1</sup> He caused Fort Moultrie and

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<sup>1</sup> One company of the 1st artillery, two companies of the 3d artillery, and three companies of the 4th artillery, were ordered to Charleston harbor, in November and December, in addition to those under the command of Major Heileman. The Natchez, the schooner Experiment, and the revenue cutters, were ordered there, under the command of Commodore Elliott.

Castle Pinckney, in Charleston harbor, and Augusta arsenal, which was full of supplies, and on the borders of South Carolina, to be strengthened and well garrisoned. Then, having seen every thing ready, or in rapid preparation for the worst, he sailed from Charleston for New York, without having awakened a suspicion of his being connected with impending events.

Towards the end of January<sup>1</sup> he returned by sea to Fort Moultrie, and was at the post of danger many days before it was known in the city. His presence, with that of the vessels of war, the revenue cutters, and additional troops, which had now arrived, left no room to doubt that the government was fully determined that the revenue duties imposed by law should be collected in Charleston, as in all other ports of the Union.

During his absence, the leading opposers of the tariff had called a meeting, and informally agreed, that notwithstanding the period for the open resistance of the law had been fixed by the convention for the 1st of February, no attempt to execute the ordinance of nullification should be made before the adjournment of Congress, on the 3d of March, and the second meeting of the convention, which was to be held a few days later.<sup>2</sup> Happily for all, the resolution was strictly observed.

In the mean time, the excitement had greatly increased. The state legislature had met in December, and passed

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<sup>1</sup> In a letter written in December, the Secretary at War expresses the approbation of the government for what Scott had done at his first visit.

<sup>2</sup> See the Charleston Resolutions, 43 Niles, 381. It was one of the political curiosities of the times, that a solemn ordinance of the state of South Carolina should be set aside at the request of a meeting in one place.

laws for the raising of troops and money, and for the purchase of arms and ammunition. All these were soon obtained. Volunteers were seen at drill through the state. Charleston was full of them. The palmetto cockade and the palmetto buttons distinguished the *nullifiers* from the *Unionists*.<sup>1</sup> A determined spirit of resistance to the revenue laws, however misdirected or deplored, was, in fact, everywhere exhibited.

A scene which took place just at this time in the streets of Charleston, will illustrate most forcibly the violence of feeling then existing on political subjects, the great and instant danger of civil commotion, and the narrowness of that verge of bloodshed and disunion, upon which the people of the state and the nation then stood.

Determined, if possible, to carry out the desperate plans in which they had most rashly embarked, the nullifiers had, as we have narrated, not only called out large bodies of armed volunteers, but had actually, by their ordinance, required the citizens of South Carolina to take a test oath of exclusive allegiance to the state.<sup>2</sup> This,

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<sup>1</sup> It was one of the resolutions of the Charleston meeting, that the volunteers should "wear a blue cockade, with the palmetto button in the centre." It is another political curiosity, that the "palmetto buttons" worn by the volunteers of South Carolina in resisting the laws of the Union, should have been made in Connecticut. This fact should suggest a hint whether our American manufactures were not both useful and necessary to all. The palmetto buttons were in fact made in Connecticut, and also most beautifully made. The state coat of arms could hardly appear to more advantage.

<sup>2</sup> The Court of Appeals in South Carolina, with great personal disinterestedness and moral independence, declared the ordinance of the Convention of South Carolina, unconstitutional on this point. It was in the case of the *State vs. Hunt*, 2 Hill's South Carolina Reports, 1. They de-

perhaps more than any one measure, exasperated the Union party. They deemed it unconstitutional, and destructive of their personal rights, not less than of the general allegiance which was due to the laws of the Union. They therefore, like the nullifiers, formed associations,<sup>1</sup> took measures for defence, and, in a word, two parties stood fronting one another like hostile bodies of opposing nations.

It was just at this time that the respective parties held nightly meetings in the city of Charleston. In those popular meetings, and with this high political animosity, there was danger, great danger of a collision which would result in bloodshed and disaster. Notwithstanding all this, there was great personal courtesy, so becoming to gentlemen and men of honor, between the leaders and chief actors of the opposing parties. On one evening, when there was a meeting of both parties, Mr. PETTIGRU<sup>2</sup> received a note from General HAYNE, requesting that the Unionists would return home through Meeting-street, as by going the usual route there would be danger of collision. The Union party were then in assembly and much excited. It was quite natural that they should answer as they did, that "they were armed, and would go which way they chose." After this message, Mr. Poinsett addressed the meeting, advising them

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cided the oath of allegiance to South Carolina was unconstitutional and void, because inconsistent with the allegiance of the citizen to the federal government.

<sup>1</sup> This was particularly the case with the District of Greenville. They here, literally, nailed the colors to the mast, and declared that they who would enforce the ordinance, must do it by the bayonet.

<sup>2</sup> Mr. Pettigru was of the Union party.

to wear a white badge on the left arm, to make no attack, but, if attacked, defend themselves at the hazard of their lives. They sent out, and bought a piece of white muslin, which they tore into pieces to make badges of. This done, they marched on the same streets as they were accustomed to. At length, they met the nullifiers marching on the same street with themselves, but in an opposite direction. Just at this moment, whether purposely or accidentally, some of the nullifiers struck the arm of Colonel Drayton. It was observed, and at once the cry ran through the Union ranks—"Colonel Drayton is struck—defend him!" Instantly, with great presence of mind, Colonel Drayton remarked—"Stop; it was only an accident!" The meeting passed on, and Charleston was saved from the blood of her citizens flowing from the worst of all causes—civil war!<sup>1</sup>

Had less prudence or presence of mind existed among some of the leading gentlemen at that crisis, the descendants of a common revolutionary stock, of a patriotic and honorable ancestry, for differences of opinion only, would have been found inflicting mortal wounds on each other, and as mortal wounds on the reputation of their common country. The blood indeed might have been stanched, and the dead replaced, by living shoots. But not so the stain, the grief, and the memories. They would long have lingered, like mourning witnesses to sad disasters.

If history be not silent on the events which then oc-

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<sup>1</sup> This incident was related to me by an eye-witness. It is possible that it may be varied in some slight particular, but it is in the substance correct. It in reality occurred a month or two earlier than we have placed it in the text; but it is equally valuable as an illustration of history.

curred, or on the part taken by distinguished citizens of South Carolina, still less should it omit a just testimony to the forbearance and prudence of the general and troops of the United States employed in so delicate and dangerous a service.

The officers and men of the army and navy bore themselves with the meekness and solemnity proper to so grave and unusual a duty. In no instance did they indulge in any display, except on the 22d of February.

Then rockets blazing through the skies, and guns sounding over the waters, told that, as Americans, they remembered and blessed the anniversary of that day, which gave birth to the FATHER OF THE COUNTRY AND THE UNION ! On other occasions, every individual in that service, though firm in his allegiance and resolved to do his duty, evinced by his deportment how painful that duty might become. Scott gave both the precept and the example. Many officers, like himself, had frequent occasion to visit the city. Boats' crews were constantly passing and re-passing. It was agreed among the officers, and enjoined on the men, to give way to everybody, and not even to resent an indignity should one be offered ; but to look on their fellow-citizens as their fellow-countrymen, whom all were anxious to reclaim from an unhappy delusion. These rules of forbearance were absolutely necessary, because any soldier or sailor, in a drunken rencontre, might have brought on all the evils of a bloody affray.

Just at the period of the utmost anxiety, when all hearts were anxious lest the morrow should bring forth civil war, a fire was seen from Fort Moultrie, at twilight, rising from Charleston, rapidly spreading, and threatening the city with destruction. General Scott happened to be the

first who perceived the conflagration, and with great promptness called for volunteers to hasten to the assistance of the inhabitants. All the officers and men were eager for the service, and, with the exception of a mere guard, all were dispatched in boats and without arms, to subdue the new and dreadful enemy. Each detachment was directed to report itself to some city officer, and to ask for employment. A detached officer preceded to explain the object of this sudden intrusion. Captain (now Major) Ringgold, of the army, who commanded a detachment rushed up to the intendant, (mayor,) and begged to be put to work. A citizen standing by, at once claimed his assistance to save a sugar-refinery, then in imminent danger. "Do you hear that?" said Captain Ringgold to his men: "*we will go to the death for the sugar!*" This was in allusion to the famous threat of Governor Hamilton, in respect to his importation of that article, before the boxes had arrived, that "they would go to the death for the sugar." It may be added, that the detachment instantly repaired to the spot, and the refinery was saved. Nor was the good-humored quotation lost on the hundreds who heard it.

The navy was not behind the army in this act of neighborly kindness. Both were early at the scene of distress. And all, after distinguishing themselves for zeal and energy, returned as sober and as orderly as they went, notwithstanding refreshments had been profusely handed round by the citizens.

It is not extravagant to say, that this timely movement, so well conceived and so handsomely executed, overcame much of the excitement and prejudice existing against the United States, here represented by their soldiers and

sailors. These men threw themselves, unexpected and unarmed, in the midst of a population strongly excited against them, and by saving a city from fire, powerfully contributed to save the Union from the greater horrors of civil war. The effect was immediate on the spot, and was soon spread to other parts of the state. It was one of those acts better adapted to sooth the asperities of feeling, than would have been any degree of courage, or success, in the forcible maintenance of the law.

Sullivan's Island, on which Fort Moultrie stands, was daily visited by respectable citizens, sometimes in large numbers, most of whom wore the palmetto cockade. All, without distinction of party, were received with that courtesy and kindness for which not only General Scott but our officers generally were distinguished. Some were detained to dine with the general, who, with the other officers, took pains to show the works, and to give the true impression, that they were intended for self-defence.

"We have made ourselves impregnable," he would say, "not for offence, but rather to prevent an attack; for otherwise there might be danger, not from your authorities, but from masses moved by some sudden ebullition of feeling, and we should all regard with infinite horror the necessity of a conflict with any portion of our own people."

Similar explanations and assurances were given, in the same spirit, to the higher political authorities, in his accidental meeting with them in the city.

It will readily be perceived, that the plan of General Scott's measures was not, in any fair sense of the term, directed against the people or the soil of South Carolina.

The works at Fort Moultrie and Castle Pinckney were upon sites which had long been the property of the United States, and garrisoned by their troops. No new position was occupied. The general object was solely to be in readiness with a sufficient force to act in concert with the civil authorities of the United States, that is, to be able, first, to defend his own position, and next, to compel all vessels from abroad to make the same entries at the Charleston custom-house as at every other port of entry. The point selected for this operation (Fort Moultrie) being distant and isolated, it seems that the possibility of a collision with citizens, taking into view all the means of prevention, both moral and physical, was almost entirely excluded.

At length, Congress passed the celebrated "Compromise Act." The South Carolina Convention rescinded the ordinance of nullification. The troops and ships returned to their ordinary stations; and every officer and man departed—rejoicing in his heart, that not a drop of blood had been spilt, where so much danger had occurred and such fearful results been apprehended.

In the mean while, however, the state of Virginia had taken part in the issue made between South Carolina and the general government, in a way which requires some notice. At the close of January, 1833, the legislature of Virginia passed a series of resolutions in relation to the position of South Carolina.<sup>1</sup>

One of these resolutions requested South Carolina to rescind the ordinance of nullification. Another requested Congress to modify the tariff, and a third resolved to

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<sup>1</sup> 43 Niles, 396.

appoint a commissioner whose duty it was to bear these resolutions to South Carolina, and use his efforts to induce that state to accede to mediation, and listen to conciliatory measures.

The commissioner appointed for this purpose, was Benjamin Watkins Leigh, Esq., a gentleman of acknowledged abilities, of great urbanity, and every way qualified for the mission. It was performed with as much success as was possible. Mr. Leigh arrived at Charleston and made the requests of Virginia known. In a letter dated 6th of February, 1833, Mr. Hamilton, president of the convention, said that he would call the convention together at an early day. He did call them. The convention rescinded its ordinance, the troops, as above narrated, were withdrawn, and the scenes of civil commotion which once threatened bloodshed and disunion, were closed without either. Friends in opposing ranks met together rejoicing, and no more was heard of the late storm but the fainter and fainter murmurs of the receding waves of agitation.

At this distance of time, the part performed by Scott may not seem of great importance. But he who thinks so should recollect, that history is obliged to trace the greatest events oftentimes to very small causes; and that such a part as Scott's at Charleston, though having neither the crimson glare of battle, nor the extraordinary skill of some artful act of diplomacy, may nevertheless have been the hinge of a crisis, and therefore more important than many battles. It is the handling of a delicate subject which makes it difficult, far more than the settlement of a question of exact right or wrong.

Of the part which Scott bore in the pacification of the

South, we shall here give the words of Mr. Leigh, who stood high in the confidence of all parties, whose evidence is unimpeachable, and who had ample opportunities of observing all that was done. He says—

“I was at Charleston when he (Scott) arrived and assumed the command, which he did without any parade or fuss. No one who had an opportunity of observing on the spot the excitement that existed, can have an adequate conception of the delicacy of the trust. General Scott had a large acquaintance with the people of Charleston ; he was their friend ; but his situation was such that many, the great majority of them, looked upon him as a public enemy. What his orders were, I cannot undertake to tell you,<sup>1</sup> nor have I any means of knowing but from his conduct, which, I take it for granted, conformed with them. He thought, as I thought, that the first drop of blood shed in civil war, in civil war between the United States and one of the states, would prove an immedicable wound, which would end in a change of our institutions. He was resolved, if it was possible, to prevent a resort to arms ; and nothing could have been more judicious than his conduct. Far from being prone to take offence, he kept his temper under the strictest guard, and was most careful to avoid giving occasion for offence ; yet he held himself ready to act, if it should become necessary, and he let that be distinctly understood. He sought the society of the leading nullifiers, and was in their society as much as they would let him be, but he took care never to say a word to them on the subject of political differences ; he treated them as a friend. From the beginning to the

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<sup>1</sup> A portion of these orders is given in a previous part of this chapter.

end, his conduct was as conciliatory as it was firm and sincere, evincing that he knew his duty, and was resolved to perform it, and yet that his principal object and purpose was peace. He was perfectly successful, when the least imprudence might have resulted in a serious collision."

We shall close this chapter of American history with the addition of two letters from the politico-military history of that period. They may serve to illustrate the views and peculiar duties of General Scott.

*Letter from Major-General Scott to the Honorable Lewis Cass, Secretary at War.*

[Extract.]

"Head Quarters, Eastern Department,  
Savannah, December 15th, 1832.

"Sir—

I have had the honor to address you once from this place since my return from Augusta. The letter bore date the 10th or 11th instant. In it I stated that I had not the time to retain a copy.

"I now take the liberty to enclose a copy of a private letter which I addressed to \_\_\_\_\_, Esq., a leading member of the South Carolina legislature, and a nullifier. I do this, because letters from me to individuals of that party should be seen by the government, and because this letter contains the sentiments and topics which I always urge in conversation with nullifiers.

"It will be seen that I speak of the arrival of troops in the harbor of Charleston. I did this because I knew the movement of the troops was, or would be soon, known,

and because I wish to prevent the idea of offensive operations, (invasion.) Such an idea might precipitate the state authorities into some act of open hostility, which would not fail to be followed by a civil war, at least among her own citizens.

"The President's annual message has had the happiest effect already on the temper of nullification in this state, (Georgia,) as far as we have heard, and cannot fail to prevent that doctrine from spreading in the South. What may be its effects on the original nullifiers in South Carolina is more doubtful. There is good reason, however, to hope, that this healing document may soon reduce them to a small minority, even in their own state, and this apprehension may induce the leaders to attempt something rash, to inflame the passions of their followers.

"The friends of the Union will see, by the arrival of the troops in Charleston harbor, that they are not abandoned by the executive. This will give vigor in another way to the resolutions they are about to take at Columbia, while they will be able to remind their opponents of the soundness of the prediction, that 'the tariff would be gradually but ultimately brought down to a just point.' This double operation is manifest on the public mind of this place. I shall proceed by the first safe conveyance, say in four or five days, to Charleston harbor, as I wish to be there to regulate the posting of the reinforcements, which may soon be expected from the North. My aide-de-camp (Lieutenant Mercer) will be left to follow with any letters which may arrive before the 24th instant."

*Extracts from a letter from Major-General Scott to a distinguished leader and friend, a member of the S. Carolina Legislature, then in session at Columbia.*

"Savannah, Dec. 14th, 1832.

"MY DEAR SIR,—

"You have an excellent memory to remind me, after so long an interval, of my promise to visit you when next on a tour to the South, and I owe you an apology for not earlier acknowledging your kind letter. It was handed to me just as I was about to leave Charleston, and I have been since too constantly in motion (to Augusta, and back here) to allow me to write.

"As to the 'speculations' at Columbia relative to 'the object of my visit to Charleston at this moment,' I can only say, that I am on that very tour, and about the very time, mentioned by me when I last had the pleasure of seeing you. On what evil days we have fallen, my good friend, when so common-place an event gives rise to conjecture or speculation! I can truly assure you, that no one has felt more wretched than your humble correspondent, since an unhappy controversy began to assume a serious aspect. I have always entertained a high admiration for the history and character of South Carolina, and accident or good fortune has thrown me into intimacy, and even friendship, with almost every leader of the two parties which now divide and agitate the state. Would to God they were again united, as during the late war, when her federalists vied with the republicans in the career of patriotism and glory, and when her legislature came pow-

erfully to the aid of the Union. Well, the majority among you have taken a stand, and those days of general harmony may never return. What an awful position for South Carolina, as well as for the other states !

“ I cannot follow out the long, dark shades of the picture that presents itself to my fears. I will hope, nevertheless, for the best. But I turn my eyes back, and, good God ! what do I behold ? Impatient South Carolina could not wait—she has taken a leap, and is already a foreign nation ; and the great names of Washington, Franklin, Jefferson, and Green, no longer compatriot with yours, or those of Laurens, Moultrie, Pinckney, and Marion with mine !

“ But the evil, supposing the separation to have been *peaceable*, would not stop there. When one member shall withdraw, the whole arch of the Union will tumble in. Out of the broken fragments new combinations will arise. We should probably have, instead of *one, three* confederacies—a northern, southern, and western reunion ; and transmontane Virginia, your native country, not belonging to the South, but torn off by the general West. I turn with horror from the picture I have only sketched. I have said it is dark ; let but one drop of blood be spilt upon the canvass, and it becomes ‘ one red.’ ”

“ ‘ Lands intersected by a narrow frith  
Abhor each other. Mountains interposed  
Make enemies of nations, which had else,  
Like kindred drops, been mingled into one.’ ”

“ But you and my other South Carolina friends have taken your respective sides, and I must follow out mine.

“ You have probably heard of the arrival of two or three

companies at Charleston, in the last six weeks, and you may hear that as many more have followed. There is nothing inconsistent with the President's message in these movements. The intention simply is, that the forts in the harbor shall not be wrested from the United States. I believe it is not apprehended that the state authorities contemplate any attack, at least in the present condition of things, on these posts; but I know it has been feared that some unauthorized multitude, under sudden excitement, might attempt to seize them. The President, I presume, will stand on the defensive—thinking it better to discourage than to invite an attack—better to prevent than to repel one, in order to gain time for wisdom and moderation to exert themselves in the capitol at Washington, and in the state-house at Columbia. From humane considerations like these, the posts in question have been, and probably will be, slightly reinforced. I state what I partly know, and what I partly conjecture, in order that the case which I see is provided for in one of your bills,<sup>1</sup> may not be supposed to have actually occurred. If I were possessed of an important secret of the government, my honor certainly would not allow me to disclose it; but there is in the foregoing neither secrecy nor deception. My ruling wish is, that neither party take a rash step, that might put all healing powers at defiance. It is, doubtless, merely intended to hold the posts for the present. A few companies are incapable of effecting any further object. The engineer, also, is going on, steadily, but slowly, in

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<sup>1</sup> The bill referred to was, that South Carolina would consider the arrival within her limits of United States troops, as the commencement of her separate existence as a state, and the signal of war.

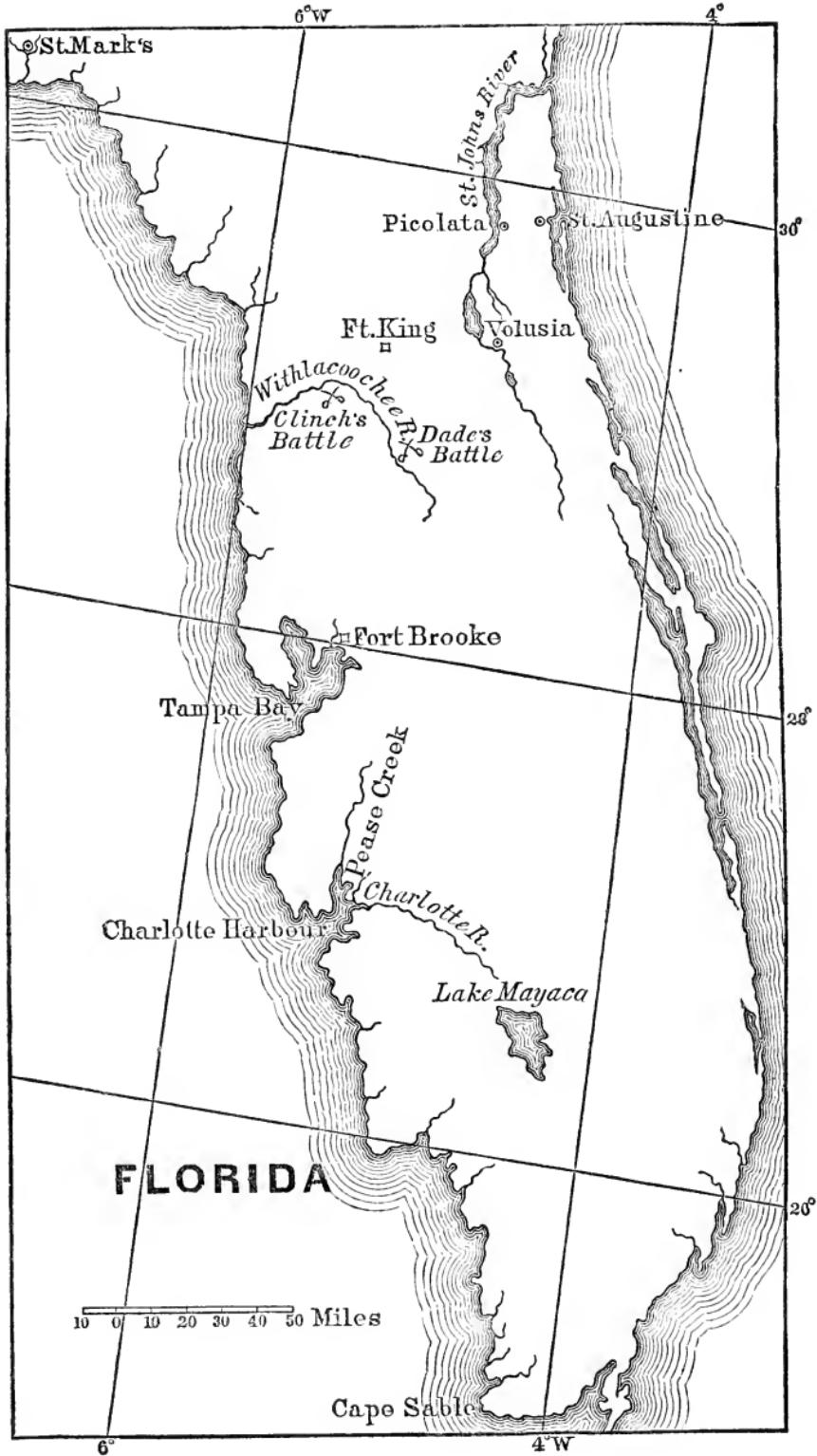
erecting the new work on the site of Fort Johnson, (long since projected for the defence of the harbor,) the foundation of which is but just laid. When finished, some years hence, I trust it may long be regarded, both by South Carolina and the other states, as one of the bulwarks of our common coast.

"There is nothing in this letter intended to be confidential, nor intended for the public press. When I commenced it I only designed giving utterance to private sentiments, unconnected with public events; but my heart being filled with grief on account of the latter, my pen has run a little into that distress. Let us, however, hope for more cheering times. Yet, be this as it may, and whether our duties be several or common, I shall always have a place in my bosom for the private affections, and that I may ever stand in the old relation to you, is the sincere wish of your friend,

WINFIELD SCOTT."

With these letters we close the narrative of one of the most critical periods of American history. It has not been written to add to, or take from, the merit, the errors, or the part, of any one of the actors in those scenes. History is not history when it is not just. It may be a picture of fancy made beautiful by the pencil of flattery, or deformed by the pen of scandal, but it cannot be history, when truth is not the writer and justice the witness of its record.

The veil of confidence yet rests upon many of Scott's acts and letters of this period.



## CHAPTER XVII.

1835 TO 1837

Commencement of the Florida War.—Description of the Seminoles.—Character of Osceola.—Battle of Wythlacoche.—Massacre of Dade's Command.—General Scott ordered to command the Army of Florida.—Plan of the Campaign.—Its termination.—Meeting of the Troops at Tampa Bay.—Expeditions.—Sickness of the Army.—Retreats of the Indians.—Description of Florida.—The Hammock.—The Everglades.—Scott's Report.—The manner of his recall.—Demands a Court of Inquiry.—Meeting of the Court.—His speech.—Opinion of the Court.—Mr. Biddle's speech in Congress.—Scott invited to a Public Dinner in New York.—He declines.—His Letter.—Asks to command the Army in Florida, and is refused.

ON the 11th of August, 1835, the United States mail carrier who left Tampa, Florida, was murdered about six miles from that place. The mangled body of the carrier was thrown into a pond, and the mail carried off.<sup>1</sup> The murderers, though not taken, were ascertained to be Indians. At first, this was supposed to be only an isolated outrage. But it was soon discovered that the Seminole tribe of Indians, then resident in Florida, united with a few individuals of the Creek tribe, had become discontented, and determined on opposition to the whites; that able chiefs were exciting them, and that murmurs of injustice perpetrated by the people of the United States

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<sup>1</sup> 49 Niles's Register, 51.

against them, and of an indignant resistance to it, were heard among the small but independent tribes of Florida. In about three months more, this resistance and muttered indignation burst forth, in depredations against property, in plantations ravaged, in dwellings burnt, and in murders committed; in fine, with the desolations and horrors of an Indian war.<sup>1</sup> In return, they were told that they should be swept from the earth; but, if they had the courage to die with arms in their hands, "the white man would not deny them the privilege of sleeping out their death-sleep on the soil upon which he cannot endure their living presence."

The Seminoles are said to have been chased into Florida from former habitations among the Creeks. They are said also to have contained a very large portion of the mixed races; partly mulattoes, more of the half-Indian and half-Negro blood; and, in fine, a heterogeneous collection of various origin. However this may be, the body of the tribe was an indigenous family, endowed by nature with courage, ferocity, hardihood, and the love of country. Hemmed in by the whites, among the almost unapproachable fens, hammocks, woods, and creeks, of the peninsula of Florida, they resolved to defend their homes, and, if they could not live, die on the soil they loved. The unfair treatment which in many instances marked the conduct of the whites towards the Indians, and the mistakes as to the terms and meaning of treaties, were, it is believed, in this, as in many other Indian wars, the true causes and foundation of the controversy.

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<sup>1</sup> 49 Niles's Register, 313.

OSCEOLA, or Powell, one of the head chiefs of the Seminoles, is represented as the principal instigator of the war, and one of the boldest warriors engaged in it. His father was a white man, and his mother a Creek Indian; but, among the Indians, the men take rank generally from their mothers.<sup>1</sup> Osceola was therefore known as a Creek. But, like Ke-o-kuck, he inherited no title or command. He was raised to distinction by superior talents, courage, and ambition. Before the war, he was proud, gloomy, and insolent; but on one occasion, in a talk with the agent, (General Thompson,) he burst into a paroxysm of passion, declared the country was theirs, that they wanted no agent, and that he (General Thompson) had better be off. For this he was arrested, and confined. After this, he assumed penitence, appeared cheerful, signed the treaty,<sup>2</sup> and was released, with many fair promises. Subsequent events proved that this appearance was but the acting of a part. At first he performed friendly service to the whites, especially in the daring arrest of criminals who had taken refuge among the Indians. By this conduct he gained the confidence of the agent.

Suddenly Osceola threw off his disguise. He murdered Charley Mathla, a friendly chief, forced his followers to join his own standard, received his former enemies the Mic-o-sukees, as allies, and raised before the astonished gaze of the whites the firebrand and scalping-knife. Soon after, on the 28th of December, 1835, he was seen at the head of a band who murdered General

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<sup>1</sup> See 49th vol. Niles's Register, 395, for a character of Osceola.

<sup>2</sup> 49 Niles's Register, 395.

Thompson, the Indian agent, and some other gentlemen, within range of the guns of Fort King.<sup>1</sup>

Meanwhile, a detachment of Florida volunteers having joined the regulars, the whole, under General Clinch,<sup>2</sup> marched upon the Wythlacochee, where the Indians were found embodied. General Clinch having crossed the river, was fiercely assailed, Dec. 31st, 1835, by Osceola and his numerous warriors. The attack was most gallantly repelled by Clinch and the regulars, about two hundred men,<sup>3</sup> aided by a handful of Floridians who had crossed with them.<sup>4</sup> In front, was the daring Osceola, who, after each discharge of his rifle, was seen wiping it with the utmost coolness, and his voice was heard rallying his flying bands.

The arrangements and battle of Wythlacochee, honorable to Clinch and the troops engaged,<sup>5</sup> first awoke government to the fixed purpose of the Indians. Three days before this event, the same party of Indians, as it is believed, had met and defeated, with most terrible destruction, the small but gallant band of Major Dade. This command had set out from Fort Brooke, to relieve the post of Fort King, within sight of which, as we have narrated, the Indians had killed five men, and which was in continual danger. In five days Major Dade had marched about sixty-five miles. They were compelled each night to intrench themselves, and moved under continual dan-

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<sup>1</sup> General Thompson, the Indian agent, Lieutenant Constantine Smith, Erastus Brooks, and two others, were shot at Fort King, only 250 yards from the field-pieces. 49 Niles, 368.      <sup>2</sup> Clinch's Rep. Idem, 366.

<sup>3</sup> Clinch's Report. Four men were killed, and fifty-nine wounded.

<sup>4</sup> 49 Niles, 395.

<sup>5</sup> The volunteers, who had not crossed, preferred staying on the safe side. See Clinch's Report.

ger of surprise. On the day of the attack they had moved four miles from their night position, when they received a heavy fire from an unseen enemy, and before the attack could be resisted, many of the officers and men were killed or wounded. Then the Indians, and negroes with them, swarmed up from the ground, and completed what was literally massacre. Of all this band, one hundred and twelve in number, but three escaped. These three escaped only by artifice.<sup>1</sup>

The annals of war record very many bloody scenes and terrible destructions, but hardly one where the destruction was so total, the disaster so complete. It proved the extreme ferocity of the Seminoles, and the desperate energy with which they waged, what was apparent to all —their last contest with the whites.

The battle of Wythlacochee, and the destruction of Dade's command, were but parts of the tragedy which, in the winter of 1835–6, was enacted in Florida. Close to St. Augustine itself, on all the outside plantations, on all the highways, and amidst all the white settlements, not immediately defended by soldiers, were seen the blazing fires of sudden conflagration, the mangled body of some surprised inhabitant, or his destroyed property scattered in the fields, or thrown into streams.<sup>2</sup> The Indian of Florida

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<sup>1</sup> The officers who were killed, were Major Dade, who was killed at the first fire, Captain G. W. Gardiner, Lieutenant Bassinger, Captain Frazier, Lieutenant Keayes, Lieutenant Mudge, Lieutenant Henderson, and Dr. Gatlin. Their conduct was brave, skilful, and patriotic. Their loss was felt not only in the army but in the country, and this event was a shock to the nation. At West Point a neat monument has been erected to those who fell in that defeat.

<sup>2</sup> See 49 Niles's Register, 368–370.

waged a war of which the knife and the torch were the means, and death and desolation the end. Concealed in impenetrable marshes or tangled thickets, in a country where heat and insects were no small enemies, he appealed to the elements as much as to arms for his defence, and defied the soldiers of civilization in retreats and wildernesses to which civilization was a stranger.

Such was the situation of Florida and the progress of the war, when, on the 20th of January, 1836, General Scott was ordered to the command of the army of Florida.<sup>1</sup> He saw the Secretary at War at four o'clock on the afternoon of that day. Being asked when he could set out for Florida, he replied, "that night." His instructions, however, could not be drawn up till the following day. On the 21st, it appeared probable that many of the Creeks would join the Seminoles, and General Scott received orders to proceed immediately to the theatre of hostilities and assume the command. Having reached Picolata, on the St. John's River, Scott issued his general orders on the 22d of February. He formed the army into three divisions. The troops on the west of the St. John's, under the gallant General Clinch, were to constitute the right wing of the army. Those on the east of that river, under Brigadier-General Eustis, the left; while those at Tampa Bay, under Colonel Lindsay, were to form the centre. These troops were to be reinforced by volunteers from the neighboring states.

By a report of the adjutant-general,<sup>2</sup> it appears that the regular troops in Florida at this time were twelve hun-

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<sup>1</sup> The "Globe" of January 22d, 1836.

<sup>2</sup> Adjutant-General Jones's Report, 49 Niles's Register, 438.

dred, including officers, and that Scott had authority to call on the governors of Georgia, Alabama, South Carolina, and Florida, for as many militia as he deemed necessary.<sup>1</sup>

In the instructions given to General Scott, was the following passage—"In consequence of representations from Florida, that measures would probably be taken to transport the slaves captured by the Indians to the Havana, it appears that instructions were given to the armed vessels to prevent such proceedings, and General Scott was directed to allow no pacification with the Indians while a living slave belonging to a white man remained in their possession."<sup>2</sup>

It appeared also, by the accounts of subsequent battles, and proceedings in the removal of the Indians, that there were many negroes among them. At the battle in which Dade's corps were destroyed, there were no less than sixty in one company, mounted.<sup>3</sup> Whether these were originally slaves or not, is not known. However this may have been, this order, taken in connection with the number of negroes among the Indians, presents one of the remarkable features of this portion of our history. It seems that the negro portion of the Seminoles was among the most ferocious members of the tribe, strongly exasperated against the whites, and it also seems, that the exasperation of the government against them was equally great, when it could occasion an order as severe as that issued by the Secretary at War to General Scott.

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<sup>1</sup> Adjutant-General Jones's Report, 49 Niles's Register, 438.

<sup>2</sup> This passage is quoted from the report of Adjutant-General Jones to the Secretary of War, dated February 9th, 1836, 49 Niles, 438.

<sup>3</sup> Narrative of Clarke, who escaped, 50 Niles, 420.

Though the regular troops were only about twelve hundred in number, they were reinforced by large bodies of volunteers from Florida, Georgia, Alabama, South Carolina, and Louisiana.<sup>1</sup> This description of troops, however, cannot be retained long in the field, and the campaigns in which they are employed are necessarily short. It was after the middle of March, when General Scott, having made all his arrangements for the three divisions of the army, and they having been joined by the volunteers, the columns of Clinch, Eustis, and Lindsay, respectively moved towards the Wythlacochee, in order to meet in what was supposed to be the heart of the Indian country.<sup>2</sup> It was then confidently believed that the great body of the Indians were in the swamp, about the junction of the Wythlacochee.

The troops, however, moved through the country, without meeting any other enemy than separate parties of the Seminoles, who from time to time were met, and who fought fiercely in their retreat. All the battles and the plans which had preceded this expedition, had evidently failed of either breaking the spirit of the Indians, or even of tracing them to their coverts and towns. The columns of Scott moved through the country which had been the scene of Dade's massacre, and of the battles with Clinch and Gaines, without having discovered the retreats of the Indians, and, in fact, without having met any large body of them.

On the 5th of April<sup>3</sup> all the divisions of the army had arrived at Tampa Bay. Their arrival was hastened by

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<sup>1</sup> Scott's Official Report, dated 12th April, 1836.

<sup>2</sup> General Scott to the Secretary of War, 50 Niles, 121.

<sup>3</sup> Scott's Report, 50 Niles, 188.

both sickness and hunger. It had been found impossible to carry a large supply of provisions through a country where the men alone could scarcely advance, where horses were continually failing, and where climate rendered it dangerous to expose the men to unusual fatigue. Each had in turn hastened to Tampa. The expedition having failed in its main object—the discovery and breaking up of the enemy's main or central stronghold—General Scott determined to scour the country with small detachments and corps, in order, if possible, to uncover the Indian retreats. Five different corps were employed in this way.<sup>1</sup> One was led by Scott himself, which, passing the battle-ground of Dade, crossed the Ocklawaha, and finally ascended in a steamboat from Volusia up the St. John's River. Another corps moved under the command of Clinch; another under Eustis; another under Colonel Smith, up Peas Creek; a fifth moved under Major Reed, up the Wythlacochee from its mouth; and a sixth was commanded by Colonel Lindsay. None of these parties, however, met with any more important events than that of meeting small parties of the enemy, and occasional skirmishes.

When this campaign, whose entire period was scarcely one month, had terminated, the troops had already been attacked with severe sickness; near four hundred were in the hospitals;<sup>2</sup> the provisions were totally inadequate to proceed farther, and for the first time it had been fully discovered, and proved, that the enemy to be pursued was lodged literally in wildernesses and swamps, to which the

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<sup>1</sup> Scott's Report.

<sup>2</sup> National Intelligencer quoted, 50 Niles, 161.

feet of civilized men had scarcely ever penetrated, and which were inaccessible to the common methods of approach by regular troops. Notwithstanding these facts, it is not very surprising, that many of the inhabitants of Florida on the exposed frontier were alarmed, and freely censured the general, who, however brave, zealous, or indefatigable, had nevertheless been unable to conquer the laws of nature, or resist the approaches of disease.

At various places in the northeastern part of Florida, these censures were cast upon Scott without any inquiry as to the power of the army at that season<sup>1</sup> to accomplish more than had been done. In reply to these ungenerous strictures, he issued an order, dated May 17th, 1836, pronouncing much of the alarm which existed a mere panic, and pointing out the methods and forces by which the settlements would be protected during the summer.<sup>2</sup>

At this time, and with all the subsequent history of the Florida War, the plans of General Scott require no vindication; for they have been amply vindicated by the six years of time, and the immense cost in money, required by the government to accomplish the conquest of the Seminoles, as well as by the knowledge of the country and the Indians, afterwards obtained. The plans of a general or a statesman must be judged by the means he had, and the circumstances in which he was placed at the time, and not by the better knowledge of other men in other times.

At the time when Scott formed his plan against the

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<sup>1</sup> It must be recollect that the period of going into quarters at the South is summer, not winter.

<sup>2</sup> 50 Niles, 239.

Indians of Florida, what was known of them or of the country? The greater part of Florida had scarcely been visited, even by the naturalist in pursuit of his science, or by the traveller who seeks curiosities amidst the wilds of nature. It possessed little attractions of soil, and, except innumerable beasts and reptiles, was inhabited only by the ferocious Seminole, and the equally savage blacks, who had taken refuge among them. Of the towns and residence of the Seminoles, little or no knowledge existed among the whites. They were known by their approach to the settlements, and, when the war broke out, by their devastation of the plantations, and by the places where they became visible in attacks on forts and troops. It could therefore only be known where to seek and attack them, by observing where they were most frequently found, and by such information as Indian stragglers in the white settlements could give. At the time of Scott's campaign, all the then information unquestionably pointed to the waters of the Wythlacochee and the St. John's, as the heart of the Indian country. Accordingly, against this district the movement of the army was directed. The columns into which it was divided, moved in three directions, scouring also the country adjacent to these lines, and finally uniting. This military survey comprehended the general space between Tampa Bay and St. Augustine. Had the Indian domestic population really been there, it is scarcely possible they should not have been discovered and subdued. The plan, therefore, was reasonable, and had a strong probability of success.

It was the geographical peculiarity of Florida, the peculiar nature of its marshes, thickets, and woods, with the dangers of the climate, which made this campaign

fruitless, and which for several successive years baffled all the efforts of the government to subdue a small, but brave and desperate band of Indians.

Florida is a long and narrow peninsula, jutting from the main continent out into the ocean. Its entire length is about four hundred miles, and its average breadth scarcely more than one hundred. Through more than three-fourths of this peninsula, the St. John's River flows, occasionally spreading out into lakes and marshes, and finally disemboguing itself into the Atlantic, near the northeastern corner of Florida. Tampa Bay was nearly the Southern extremity of the operations of the army, and that was only about the middle of this long point of land. Hence, it is not difficult to see how it happened, that the domestic coverts of the Indians, the women and children, and their lodgements, were not discovered, and that there were refuges and settlements for them which could not be reached by a regular army, and could only be conquered by an *environment of posts*, which was the plan finally adopted.<sup>1</sup>

Had Florida been an open country, or had it been like the dry forest-lands of the North, or, finally, had it been hills and vales, the Seminoles could never have maintained more than one campaign. But Florida was peculiar in its natural and geographical circumstances. In addition to the peculiarities already mentioned, Florida is distinguished for the singularity of its vegetable growth. Two kinds of growth, or the scenery of growth, are known

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<sup>1</sup> The utter impossibility of meeting the Indians at any one point, and their power to escape in small parties in any direction, established this principle. The recent maps of Florida exhibit more than thirty forts, or posts, established to surround and watch the Indians.

there by the names of the HAMMOCK and the EVERGLADE. These are very elegantly described in a letter which appeared at the time in the Northampton Courier.<sup>1</sup>

"The HAMMOCK," says the writer, "is an oasis in the desert. After travelling over many a tedious mile of sterile sand, covered with a thin growth of gloomy fir, not a sound to be heard in the dreary wilds save that which you yourself may cause, you perceive in the distance an emerald isle, with all the delight of a sea-worn mariner, who, after a long voyage, hears the first cry of the thrilling land, ho ! As you approach this land of promise, you see spread before you one of the most imposing, and at the same time beautiful scenes in nature. A luxuriant soil extending perhaps for many miles, covered with every variety of the laurel and other evergreen trees and shrubs, and in the midst, towering above them all, the stately magnolia grandiflora, the surrounding atmosphere redolent with its delicious flowers, combined with those of the orange, lemon, and endless others. To these add one hundred and twenty varieties of deciduous forest trees ; flowers and plants without number, many that have lived and died for ages past unknown, and you will have, after all, but a very faint description of the hammock in East Florida. How can I adequately describe the effect of the many beautiful little rills which, springing from the feet of these giants of the forest, traverse these favored spots in every direction, and finally lose themselves in the adjacent pine forest. The deposite at the bottom of these is generally a perfectly white sand, and the water as pure and limpid as a crystal.

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<sup>1</sup> See 50 Niles, 334.

"The EVERGLADES you inquire about are immense untenanted tracts, stretching north and south from Lake George to very near the southern extremity of the peninsula, sometimes extending, sometimes contracting in breadth from east to west, till it assumes its greatest dimensions between  $27^{\circ}$  and  $25^{\circ} 30'$ . In this immense body of waste, composed principally of morass, and covering *probably* (for every thing is rather hypothetical that relates to this terra incognita) from four to five thousand square miles, lies Lake Mayaca, and here also is the source of the noble river Charlotte. These vast and inaccessible morasses have always, and will afford a safe asylum to fugitive Indians, so long as they inhabit the peninsula, and they can there, it is said, secure from intrusion, subsist upon such game and fish as these wilds produce. It becomes, therefore, the policy of the commanders of our army to cut them off from this favorite retreat, and this they no doubt will endeavor, as a primary object, to effect."

This is an account of the country as it was in 1836, and exhibits clearly enough the mode by which the Indians eluded successfully the search of Scott's army. When that army retired, as we have stated, to summer (not winter) quarters, already in want of provisions, worn down by fatigue, and with an hospital rapidly filling with invalids,<sup>1</sup> censures in northeastern Florida were freely made against the general. How little reason there was for these censures has been shown by this narrative of facts, and yet more by the subsequent campaigns of the

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Clinch's report of his forces to Scott, dated the 27th of April, 1836.

army in the same region.<sup>1</sup> General Clinch, a most competent judge, approved of the plan then adopted, as is shown by his report of April 27th, in which he says—“The only true plan of operations against them, (Indians,) will be that first designed by you ; that is, a force by Peklekoha, a force ascending by my route, and a corresponding one on the north side.”

Scott, however, had, in this brief campaign, learned the extreme difficulties of the country ; and while he did not believe the Indian warriors constituted a large body, he nevertheless believed and apprized the war department, that a much larger force, and very different arrangements, would be necessary. In his report of the 30th of April,<sup>2</sup> he says—“To end this war, I am now persuaded, that not less than three thousand troops are indispensable ; two thousand four hundred infantry, and six hundred horse ; the country to be scoured and occupied requiring that number.” He also recommended “two or three steamers with a light draught of water, and fifty or sixty barges capable of carrying from ten to fifteen men each. I have no desire,” said he, “to conduct the operations of the new forces ; that is an honor which I shall neither solicit nor decline.” In fact, it took much more than this force to accomplish the overthrow of the Seminoles.

In the mean while, disturbances broke out among the Creek Indians in Georgia and Alabama. On the 21st of

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<sup>1</sup> It took five or six campaigns subsequent to this, in order to finish the Florida War. It would be no exaggeration to say, that the Florida War cost the United States two thousand lives, and twenty millions of dollars !

<sup>2</sup> See this report in 50 Niles's Register.

May, General Scott left St. Augustine for Georgia. There he proceeded forthwith to organize the volunteer corps and commissariat department, so that the operations might be successful. The Indians in Georgia were not favored by the extraordinary nature of the country, and were easily subdued. In the beginning of July, five hundred had already surrendered prisoners, and on the 12th of July, General Jesup (who had assumed the command three days before) writes that nine hundred of thirteen hundred who had previously dispersed, were surrendered and confined.<sup>1</sup>

On the 9th of July, however, General Scott gave up the command of the army,<sup>2</sup> having been ordered to Washington under extraordinary circumstances.

A short time previous some misunderstanding had occurred between General Scott and General Jesup, as to military arrangements. Scott had complained to the war department of an alleged disobedience of orders; and Jesup, on the other hand, had written a letter to the editor of the *Globe* newspaper,<sup>3</sup> in which he said, that he believed Scott's "course had been destructive of the best interests of the country," and desired that the President should be shown the letter. Mr. Blair, the person to whom it was addressed, did show it to the President, and he very unexpectedly<sup>4</sup> endorsed on the back of the letter, that the Secretary of War "forthwith order General Scott

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<sup>1</sup> Jesup's Letter, 50 Niles, 364.

<sup>2</sup> Jesup's order of that date, 50 Niles, 364.

<sup>3</sup> This letter is dated June 20th, 1836, from Fort Mitchel, Alabama. It may be found in 50 Niles's Register, 382.

<sup>4</sup> In the "Globe" of July 20th, 1836, Blair says, that the President gave "a turn" to this letter he did not anticipate.

to this place, in order that an inquiry be had" into the delay<sup>1</sup> in prosecuting the Creek war, and the failure of the Florida campaign. This letter the President chose to consider as semi-official, and ordered it to be filed as a public document.

In this manner General Scott was recalled. He proceeded immediately to Washington to demand a court of inquiry, and on the 3d of October a court, composed of Major-General Macomb, and Brigadier-Generals Atkinson and Brady, was directed to assemble at Frederick, in Maryland. After a long delay, occasioned in a great degree by the difficulty of procuring the attendance of witnesses, many of whom were engaged at the seat of war, the trial was had. After a speech by General Scott, clear in its arrangement, close in reasoning, and a complete vindication of his course, the court unanimously acquitted, or rather, as it was a court of inquiry, approved his course. They pronounced the plan of the Seminole campaign well "devised, and prosecuted with energy, steadiness, and ability." In regard to the Creek war, they said "the plan of the campaign, as adopted by Major-General Scott, was well calculated to lead to successful results; and that it was prosecuted by him, as far as practicable, with zeal and ability, until he was recalled from the command."

In order that this subject may be fully understood, we shall cite some passages from the official documents, published by order of the Senate in 1837, containing the

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<sup>1</sup> It turned out that an order addressed to Scott, to take the direction of the Creek war, did not reach him till a month after it was sent. It had been directed to an obscure village of Florida, and Scott was on his way to the Creek region before he received it.

"Proceedings of the Military Court of Inquiry, in the case of Major-General Scott."

When the testimony had been gone through with, General Scott commenced summing up with the following exordium :—<sup>1</sup>

"*Mr. President, and Gentlemen of the Court :*

"When a Doge of Genoa, for some imaginary offence, imputed by Louis 14th, was torn from his government and compelled to visit France, in order to debase himself before that inflated monarch, he was asked, in the palace, what struck him with the greatest wonder amid the blaze of magnificence in his view. 'To find *myself* here !' was the reply of the indignant Lescaro. And so, Mr. President, unable, as I am, to remember one blunder in my recent operations, or a single duty neglected, I may say, that to find myself in the presence of this honorable court, while the army I but recently commanded is still in pursuit of the enemy, fills me with equal grief and astonishment.

"And whence this great and humiliating transition ? It is, sir, by the fiat of one, who, from his exalted station, and yet more from his unequalled popularity, has never, with his high displeasure, struck a functionary of this government, no matter what the office of the individual, humble or elevated, who was not from the moment withered in the general confidence of the American people. Yes, sir, it is my misfortune to lie under the displeasure of that most distinguished personage. The President of the United States has said, 'Let General Scott be recalled from the command of the army in the field, and submit his con-

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<sup>1</sup> Reported for the National Intelligencer.

duct in the Seminole and Creek campaigns to a court for investigation.' And lo ! I stand here to vindicate that conduct, which must again be judged in the last resort, by him who first condemned it without trial or inquiry. Be it so. I shall not supplicate this court, nor the authority that has to review the 'opinion' here given. On the contrary, I shall proceed at once to challenge your justice to render me that honorable discharge from all blame or censure which the recorded evidence imperiously demands. With such discharge before him, and enlightened by the same mass of testimony, every word of which speaks loudly in my favor, the commander-in-chief of the army and the navy cannot hesitate ; he must acquiesce, and then, although nothing may ever compensate me for the deep mortification I have been recently made to experience, I may hope to regain that portion of the public esteem which it was my happiness to enjoy on past occasions of deep moment to the power and the glory of the United States of America."

The general then examined and collated the evidence, making an elaborate exposition of all the circumstances of the campaign, as they are narrated in the facts we have here recorded. He closed his remarks in the following manner :—

"Mr. President, and Gentlemen of the Court,—I am exhausted, but should do equal wrong to justice and to my own feelings, not to return to each and every one of you my hearty thanks for the patience and impartiality you have all shown, including the judge-advocate, in this long investigation.

"Every material fact which has been given in evidence that could by mere possibility affect your judgments to

my prejudice, and I recollect but few of that character, will be found carefully embodied, or specifically referred to in this summary. Much, I know, has been wholly omitted on the other side. These declarations, I am confident, no examinations will be able to controvert; and here I may add, that there is not an important circumstance in all my recent conduct in the field, which was not duly reported at the earliest moment, and with my own hand, for the information of government. With, then, this overwhelming mass of evidence in my favor, permit me again to ask, by what strange fatality do I find myself here? It is for this court, with the approbation of the President of the United States, to bid me *depart with honor*; and that that decision may be without the further alloy of suspense, in which I have now but too long been held, under circumstances which, perhaps, could not have been controlled, I will ask that *it be speedily rendered.*"

The decision of the court of inquiry was entirely in favor of General Scott. In order that this may fully appear, the following extracts are transcribed from the opinion of the court, in regard both to the Florida and the Creek campaigns:—

"The court, after a careful review of the great mass of testimony taken in the foregoing investigation, (the Florida campaign,) finds that Major-General Scott was amply clothed with authority to create the means of prosecuting the Seminole war to a successful issue; but is of opinion that, at the time he was invested with the command, the season was too far advanced for him to collect, appoint, and put in motion his forces, until a day too late to accomplish the object. It appears that after using great diligence and energy, he was not in a condition to take the

field and enter the enemy's strongholds before the 28th of March, and then without sufficient means for transporting the necessary supplies to enable him to remain there long enough to seek out the scattered forces of the enemy.

"The court, therefore, ascribe the failure of the campaign to the want of time to operate, the insalubrity of the climate after the middle of April, the impervious swamps and hammocks that abound in the country then occupied by the enemy, affording him cover and retreat at every step, and absence of all knowledge, by the general or any part of his forces, of the topography of the country, together with the difficulty of obtaining, in time, the means of transporting supplies for the army.

"The court is further of opinion, from the testimony of many officers of rank and intelligence who served in the campaign, that Major-General Scott was zealous and indefatigable in the discharge of his duties, and that his plan of campaign was well devised, and prosecuted with energy, steadiness, and ability."

On the other charge, which was tried at the same time, of delay in opening and prosecuting the Creek campaign in 1836, the opinion of the court was as follows, viz.:—

"Upon a careful examination of the abundant testimony taken in the foregoing case, the court is of opinion that no delay, which it was practicable to have avoided, was made by Major-General Scott in opening the campaign against the Creek Indians. On the contrary, it appears that he took the earliest measures to provide arms, munitions, and provisions for his forces, who were found almost wholly destitute; and as soon as arms could be put into the hands of the volunteers, they were, in succession, detached and placed in positions to prevent the enemy from retiring

upon Florida, whence they could move against the main body of the enemy, as soon as equipped for offensive operations.

"From the testimony of the Governor of Georgia, of Major-General Sanford, commander of the Georgia volunteers, and many other witnesses of high rank and standing who were acquainted with the topography of the country, and the position and strength of the enemy, the court is of opinion that the plan of campaign adopted by General Scott was well calculated to lead to successful results, and that it was prosecuted by him, as far as practicable, with zeal and ability, until recalled from the command."

Such was the strong testimony which the court and the witnesses bore to General Scott's zealous and judicious arrangements in the campaigns of the south. At this time, looking back upon the events of those campaigns, with a clearer vision than could then be fixed on a cotemporaneous field of action, the truth and the justice of this judicial opinion are both manifest and demonstrable.

In the year 1837, when the House of Representatives was engaged in one of those debates on various and miscellaneous topics, which grow out of the management of public affairs, the bill before the House being one containing an appropriation for the Florida war, the Hon. Richard Biddle, of Pennsylvania, took occasion to speak of General Scott, in connection with the Florida campaigns. His speech was able, eloquent, and effective. He reviewed all the circumstances of the war in Florida, and particularly the part General Scott had taken in those events. As a specimen of the eloquence of Congress, as well as an apt commentary on the subject of this history, we record some portions of Mr. Biddle's speech.

Mr. Biddle said :—

“ It would be recollect by all, that after the war in Florida had assumed a formidable aspect, Major-General Scott was called to the command. An officer of his rank and standing was not likely to *seek* a service in which, amidst infinite toil and vexation, there would be no opportunity for the display of military talent on a scale at all commensurate with that in which his past fame had been acquired. Yet he entered on it with the alacrity, zeal, and devotion to duty by which he has ever been distinguished.

“ And here (Mr. B. said) he might be permitted to advert to the past history of this officer.

“ Sir, when the late General Brown, writing from the field of Chippewa, said that General Scott merited the highest praises which a grateful country could bestow, was there a single bosom throughout this wide republic that did not respond to the sentiment ? I for one, at least, can never forget the thrill of enthusiasm, boy as I then was, which mingled with my own devout thankfulness to God, that the cloud which seemed to have settled on our arms was at length dispelled. On that plain it was established that Americans could be trained to meet and to beat, in the open field, without breastworks, the regulars of Britain.

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“ Sir, the result of that day was due not merely to the gallantry of General Scott upon the field. It must in part be ascribed to the patient, anxious, and indefatigable drudgery, the consummate skill as a tactician, with which he had labored, night and day, at the camp near Buffalo, to prepare his brigade for the career on which it was about to enter.

"After a brief interval he again led that brigade to the glorious victory of Bridgewater. He bears now upon his body the wounds of that day.

"It had ever been the characteristic of this officer to seek the post of danger, not to have it thrust upon him. In the years preceding that to which I have specially referred—in 1812 and 1813—the eminent services he rendered were in positions which properly belonged to others, but into which he was led by irrepressible ardor and jealousy of honor.

"Since the peace with Great Britain, the talents of General Scott have ever been at the command of his country. His pen and his sword have alike been put in requisition to meet the varied exigencies of the service.

"When the difficulties with the western Indians swelled up into importance, General Scott was dispatched to the scene of hostility. There rose up before him then, in the ravages of a frightful pestilence, a form of danger infinitely more appalling than the perils of the field. How he bore himself in this emergency—how faithfully he became the nurse and the physician of those from whom terror and loathing had driven all other aid, cannot be forgotten by a just and grateful country."

Mr. Biddle then continued in a defence of the conduct of General Scott in the Florida and Alabama campaigns, concluding with the following eloquent peroration :—

"Mr. Chairman, I believe that a signal atonement to Gen. Scott will, one day, be extorted from the justice of this House. We owe it to him; but we owe it still more to the country. What officer can feel secure in the face of that great example of triumphant injustice? Who can place before himself the anticipation of establishing higher

claims upon the gratitude of the country than General Scott? Yet *he* was sacrificed. His past services went for nothing. Sir, you may raise new regiments, and issue new commissions, but you cannot, without such atonement, restore the high moral tone which befits the depositaries of the national honor. I fondly wish that the highest and the lowest in the country's service might be taught to regard this House as the jealous guardian of his rights, against caprice, or favoritism, or outrage, from whatever quarter. I would have him know that, in running up the national flag, at the very moment our daily labors commence, we do not go through an idle form. On whatever distant service he may be sent—whether urging his way amidst tumbling icebergs, towards the pole, or fainting in the unwholesome heats of Florida—I would enable him, as he looks up to that flag, to gather hope and strength. It should impart to him a proud feeling of confidence and security. He should know that the same emblem of majesty and justice floats over the councils of the nation; and that in its untarnished lustre we have all a common interest and a common sympathy. Then, sir, and not before, will you have an army or a navy worthy to sustain and to perpetuate the glory of former days."

While such were the sentiments towards General Scott, felt and uttered by men of distinguished intelligence in the highest representative assembly of the people, there were not wanting those who, standing in the first rank of citizens, and of men of business, held the same sentiments, and desired to express towards him the same high respect.

Soon after his entire exoneration from blame by the court of inquiry, he received an invitation to a public dinner at New York, tendered before his return by a large

and respectable number of people in that city, from both political parties. This invitation he accepted. It was, however, afterwards postponed, at his request, until the second Tuesday of May, and before the arrival of that day it was altogether declined, for reasons expressed in the following note, addressed to the committee of invitation :

*General Scott to the New York Committee.*

“ GENTLEMEN :—

Early last month I accepted the invitation to a public dinner, which you and other friends did me the honor to tender me. In a few days the embarrassments of this great emporium became such, that I begged the compliment might be indefinitely postponed. You, however, were so kind as to hold me to my engagement, and to appoint a day for the meeting, which is now near at hand. In the mean time, the difficulties in the commercial world have gone on augmenting, and many of my friends, here and elsewhere, have been whelmed under the general calamity of the times.

“ Feeling deeply for the losses and anxieties of all, no public honor could now be enjoyed by me. I must, therefore, under the circumstances, positively but most respectfully withdraw my acceptance of your invitation. I have the honor to remain, gentlemen, with the greatest esteem, your friend and servant,

“ WINFIELD SCOTT.”

On the reception of this note, the subscribers to the proposed dinner held a meeting, the Hon. Cornelius W. Lawrence in the chair, and unanimously adopted the following resolutions :—

*“Resolved,* That in the decision of General Scott to withdraw, for the reasons assigned, his acceptance of the public dinner designed to testify to him our high appreciation, both of his private and public character, we find new evidence of his sympathy with all that regards the public welfare, and of his habitual oblivion of self, where the feelings and interests of others are concerned.

*“Resolved,* That we rejoice with the joy of friends in the result, so honorable to General Scott, of the recent court of inquiry, instituted to investigate his military conduct as commander-in-chief in Alabama and Florida, and that the President of the United States, (Mr. Van Buren,) in approving its proceedings, acted in gratifying unison with the general sentiments of the nation.”

Scott also received similar invitations from the citizens of Richmond, Virginia, and of Elizabethtown, New Jersey, places which had been his home at different times. These he respectfully declined for the same reasons. After the decision of the court of inquiry, General Scott addressed a letter to the Secretary of War, (Mr. Poinsett,) claiming the immediate direction of the Florida war, on the ground that the theatre of operations constituted a part of the geographical division of which he was the commander; that nearly all the troops of his division were ordered to Florida, and that he was senior in rank to General Jesup, then commanding there.

The Virginia representation in Congress, without any agency of General Scott in the matter, almost unanimously made an appeal to the Secretary in support of that reasonable request. The “Richmond Enquirer,” ever a most influential print with the administration of that day, also backed this application in the following complimentary

terms :—"We should have hoped there could be no difficulty in granting it. General Scott ranks pre-eminently high in the confidence of the country and of the army; and we should presume that, in other respects, his claims are superior to those of any other officer. The Secretary of War is well acquainted with the merits of General Scott, and we should hope that he will be willing to assign him so important a command, in which all his heart and all his energies will be powerfully enlisted."

The request was not granted. Scott took no further part in the Florida campaigns, which continued to exhaust the treasury, and employ the ingenuity of government and army for the six following years, when the war was happily concluded by Brigadier-General Worth.

## CHAPTER XVIII.

1837 TO 1839.

Troubles on the Niagara Frontier.—Patriot Excitement.—Attack on the Caroline.—General Scott ordered to the Niagara.—Is accompanied by Governor Marcy.—Scott's measures.—He harangues the People.—Exciting Adventure with the *Barcelona*.—He maintains Peace.—He is complimented at Albany.—Toasts.

IN the year 1837, Canada, which had continued, in spite of the republican influences of the United States, under the government of Great Britain, became the scene of great political excitement, and of warm resistance to the measures of its administration. Towards the close of that year insurgent movements broke out among the French population of the lower province, and the spirit of revolt was spread among the disaffected of Upper Canada. The border population of all nations take great interest in what occurs beyond the boundary line, and are disposed either to invade or sympathize with their neighbors, according to the events by which they are excited. When, therefore, the flame of insurrection was kindled in Canada, it was not arrested by a mere line of jurisdiction. It reached and agitated the frontier inhabitants of the United States, along the long border from the hills of Vermont to the Huron of the northwest. On this frontier, the citizens enrolled themselves as Canada *patriots* or *sympathizers*, until, perhaps, one fourth of all the inhabi-

tants capable of bearing arms were professed friends and abettors of the Canada movement. Itinerant refugees were seen everywhere organizing their friends, with a view to descents upon the Canadas. Thousands and thousands met in lodges all along the border, oaths of secrecy were administered, principal leaders appointed, generals and staff-officers chosen, and, at least for Upper Canada, a provisional government formed. The President of the United States issued his proclamation enjoining all good citizens to observe the strictest neutrality towards the British provinces. It had but little effect.

The arms in the hands of the citizens, and even those in the state arsenals within reach of the borders, were soon seized or purloined, thus affording equipments to the American Canada patriots. At length, a Mr. Van Rensselaer,<sup>1</sup> with some hundreds of followers, crossed from Schlosser, (a mile and a half above Niagara Falls,) and took possession of Navy Island, a small uninhabited spot within the British line, but nearer to our shore. At this time there could be little hope of going further, for the only outbreak in the opposite province had been crushed in a moment by the very people to whom it was proposed to give independence and freedom. At this time also, besides some regular troops, seventeen-twentieths of the provincial militia were firm in their loyalty, well organized, well armed, and commanded by regular officers.

This idle invasion, though unimportant to the Canadas, was not without consequences in history. It was followed

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<sup>1</sup> This Mr. Van Rensselaer was not of the family of the late distinguished General Stephen Van Rensselaer, the patroon, and at one time member of Congress.

by a very serious incident, which excited deep feeling in the United States, and was the subject of much diplomatic correspondence.

Van Rensselaer, we have said, was stationed with a scanty and ill-provided band of forces, at Navy Island. Schlosser, as above stated, was a point on the American shore just opposite. A small steamer called the Caroline was engaged by Van Rensselaer to act as a ferry-boat between these two points. The very first night the Caroline commenced her voyages between these two points, the British fitted out an expedition from the opposite point, Chippewa. Instead of directing their attack, as they might have done, against Navy Island, within their own territory, and which they would probably have captured, they chose to violate our territory, by boarding the unarmed steamer fastened to the wharf at Schlosser. She happened to be full of idle people, including boys unconnected with Van Rensselaer, who had been attracted to the frontier by the rumor of war, and who had simply begged a night's lodgings. One citizen was killed, and several others wounded. The boat was cut loose, set on fire, and sent over the cataract, as was reported, and long believed by many, with several wounded Americans on board. When this occurred, a flame of excitement rose up throughout the interior of the United States. The sentiment of patriotism and the feeling of revenge were frequently mingled together. Orderly citizens seized upon the arms nearest at hand, and flocked to the frontier. Their numbers increased, and the peace of this country, and perhaps of all other civilized nations, was threatened, by the act of outrage committed on the Caroline.

That vessel was destroyed December 29th, 1837.

The news reached Washington January 4th. General Scott happened to be there. A cabinet council was called, and Scott was told that blood had been shed, and he must hasten to the frontier. Full powers were given him to call for militia, to put himself in communication with the United States district attorneys, marshals, and collectors, in order through them to enforce the act of neutrality, the good faith pledged to Great Britain by treaty, and, in short, to defend our own territory, if necessary, against invasion, or to maintain peace throughout the borders. No regular troops were at hand. All had been withdrawn for the Florida war. He had ordered up, in passing New York, small parties of unattached army recruits, and at Albany invited the able and patriotic governor (Marcy) to accompany him to the Niagara. The presence of the governor was highly valuable during the few days that he could remain. Being on the spot, he was ready to supply any number of volunteers, on the requisition of Scott, as they might be needed; for it was not known that the violation of our territory at Schlosser might not be followed up by other outrages of the same kind.

All this was quite a new scene for Scott. In 1812 he had appeared on the same theatre as the leader of battalions and the victor of battles. Now, rhetoric and diplomacy were to be his principal weapons, his countrymen and friends the object of conquest, and a little correspondence with the British authorities beyond the line, as an episode to the whole. Had Scott not been a soldier, though he had been the famed Athenian orator, or the American

“ Henry, the forest-born Demosthenes,  
Whose thunders shook the Philip of the seas,”

his entreaties and harangues would have been wholly lost upon his hearers. But the memory of other days gave for him an influence which he would have sought in vain without it. The patriot-warrior of 1812-13-14 reappearing near the scene of his former glory, drew forth the applause of listening multitudes.

During the winter of 1838 and that of 1838-9, he was busy in exercising his influence for peace, and in quieting our disturbed frontier. This was his employment for many months of the coldest season of the year. The patriot movements were chiefly confined to the season of frost, which, bridging with ice some of the waters separating the two countries, greatly favored descents upon Upper Canada. General Scott was ably seconded in watching and counteracting those movements by other distinguished officers. General Brady on Lake Erie and the Detroit frontier, General Worth (made General 1842) on the Niagara, Lake Ontario, and St. Lawrence frontier, and Generals Wool and Eustis on the northern side of New York and Vermont, were active in aiding General Scott in his arrangements, and pacifying the borders. The troops, both regulars and volunteers, proved to be steady supporters of law and order, and were held everywhere ready, as *posses*, at the call of the United States marshals and collectors. The other officers mentioned were the district commanders.

Scott posted himself nowhere, but was by turns rapidly everywhere, and always in the midst of the greater difficulties. In these winter campaigns against the trespassers of the borders, he passed frequently along the frontier, sometimes on the Detroit and sometimes on the north line of Vermont. His journeyings were made by land, and

principally in the night ; oftentimes with the cold from ten to twenty degrees below freezing point. Daylight he chiefly employed in organizing the means of counteraction by an extensive correspondence and the labors of direct pacification. He obtained, and pressed upon district attorneys, marshals, and collectors, information of the designs and movements of the patriots, and tendered to those civil functionaries the aid of the troops. In performance of his duty as a peacemaker, he addressed, on a line of eight hundred miles, immense gatherings of citizens, principally organized sympathizers, who had their arms at hand.

In these addresses he declaimed with fervor, and they were often received with the loud applause of the audience. He handled every topic which could inspire shame in misdoers, or excite pride in the friends of the government and country. His speeches were made with popular illustrations and allusions, and addressed both to the knowledge and the sentiment of the people. He reminded them of the nature of a republic, which can have no foundation of permanency except in the general intelligence, virtue, respect, and obedience of its people ; that if, in the attempt to force on our unwilling neighbors independence and free institutions, we had first to spurn and trample under foot treaty stipulations and laws made by our own representatives, we should greatly hazard free institutions at home in the confidence and respect of our own people ; that no government can or ought to exist for a moment after losing the power of executing its obligations to foreign countries, and of enforcing its own laws at home ; that that power depended in a republic chiefly on the people themselves ; that we had a treaty with Eng-

land, binding us to the strictest observance of amity, or all the duties of good neighborhood with adjoining provinces, and also an act of Congress for enforcing those solemn obligations ; that the treaty and the laws were as binding on the honor and the conscience of every American freeman, as if he had specially voted for each ; that this doctrine was of the very essence of a civilized republic, as the neglect of it could not fail to sink us into anarchy, barbarism, and universal contempt ; that an aggressive war, waged by a part of the community, without just cause and without preparation, as is common among barbarian tribes, necessarily drags the non-consenting many along with the madness of the few, involving all alike in crime, disaster, and disgrace ; that a war, to be successful, must be very differently commenced ; and in these addresses he would often conclude :—“ Fellow-citizens,—and I thank God, we have a common government as well as a common origin,—I stand before you without troops and without arms, save the blade by my side. I am, therefore, within your power. Some of you have known me in other scenes, and all of you know that I am ready to do what my country and what duty demands. I tell you, then, except it be over my body, you shall *not* pass this line—you shall *not* embark.”

To the inquiry everywhere heard, “But what say you of the burning of the Caroline, and the murder of citizens at our own shore ?”

In reply to these questions, General Scott always frankly admitted that these acts constituted a national outrage, and that they called for explanation and satisfaction ; but that this whole subject was in the hands of the President, the official organ of the country, specially chosen by the

people for national purposes ; that there was no doubt the President would make the proper demand, and failing to obtain satisfaction, would lay the whole matter before Congress—the representative of the public will, and next to the people, the tribunal before which the ultimate appeal must be made.

These harangues were applauded, and were generally very successful. Masses of patriots broke off and returned to their respective homes, declaring, that if Scott had been accompanied by an army they would not have listened, but persevered. The friends of order were also encouraged to come out in support of authority, and at length peace and quiet were restored. In the mean while, one of those incidents occurred which make history dramatic, and which illustrate how much depends on individual men and single events. Many days after the destruction of the "Caroline," another steamer, the "Barcelona," was cut out of the ice in Buffalo harbor, (January, 1838,) and taken down the Niagara river, to be offered, as was known, to the patriots, who were still on Navy Island.<sup>1</sup> Scott wished to compel them to abandon their criminal enterprise. He also desired to have them, on returning within our jurisdiction, arrested by the marshal, who was always with him. For this purpose, he sent an agent to hire the Barcelona for the service of the United States, before the patriots could get the means to pay for her, or find sureties to indemnify the owners in case of capture or destruction by the British. He succeeded in all these objects. The Barcelona proceeded back to Buffalo, where Scott had immediate use for her on Lake

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<sup>1</sup> 53 Niles's Register, 337.

Erie, yet navigable in all its length. The authorities on the Canada side were on the alert to destroy her.

As the Barcelona slowly ascended against the current on our side of Grand Island, (belonging to the United States,) three armed British schooners, besides batteries on the land, were in positions, as the day before, to sink her as she came out from behind that island. On the 16th of January, Scott and Governor Marcy stood on the American shore opposite that point, watching events. The smoke of the approaching boat could be seen in the distance, and the purpose of the British was perfectly evident in all their movements. The batteries on our side were promptly put in position. The matches were lighted. All was ready to return the British fire. There was a crisis!

The day before this, when it was supposed the Navy Island people were coming up the same channel in other craft, and before it was known that the Barcelona had accepted his offered engagement, Scott wrote on his knee, and dispatched by an aid-de-camp, the following note.

*“To the Commanding Officer of the Armed British Vessels  
in the Niagara.*

“ Head-quarters, Eastern Division U. S.  
Army, two miles below Black Rock, January 15th, 1838. } }

“ Sir—

With his Excellency the Governor of New York, who has troops at hand,<sup>1</sup> we are here to enforce the neu-

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<sup>1</sup> These men were, in strictness, not yet under Scott's command, simply

trality of the United States, and to protect our own soil or waters from violation. The proper civil officers are also present to arrest, if practicable, the leaders of the expedition on foot against Upper Canada.

“Under these circumstances, it gives me pain to perceive the armed vessels, mentioned, anchored in our waters, with the probable intention to fire upon that expedition moving in the same waters.

“Unless the expedition should first attack—in which case we shall interfere—we shall be obliged to consider a discharge of shot or shell from or into our waters, from the armed schooners of her Majesty, as an act seriously compromitting the neutrality of the two nations. I hope, therefore, that no such unpleasant incident may occur.

“I have the honor to remain, &c., &c.

“WINFIELD SCOTT.”

The same intimation was repeated and explained the next morning, January 16th, to a captain of the British army, who had occasion to wait upon Scott on other business, and who immediately returned. It was just then that the *Barcelona* moved up the current of the Niagara. The cannon on either shore were pointed, the matches lighted, and thousands stood in suspense. On the jutting pier of Black Rock, in view of all, stood the tall form of Scott, in full uniform, watching the approaching boat. On Scott’s note and his personal assurances, alone depended the question of PEACE OR WAR. Happily, these assurances had their just effect. The *Barcelona*

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from the want of time to muster them into the service of the United States—a ceremony of some hours.



S. TROTHER DELA

WHITEHORN



passed along. The British did not fire. The matches were extinguished ; the two nations, guided by wise counsels, resumed their usual way ; and war's wild alarms were hushed into the whispers of peace.

Small a place as this incident may occupy in history, it was a critical moment in the affairs of nations. Had one British gun been fired, and much more had the Barcelona been destroyed, no authority or influence would have restrained our excited population. We should probably have had an unpremeditated war, one of those calamities which nations have to endure for their sins, and which is without the consoling and self-supporting consciousness of a great moral right. It would have been war from an incident, and not a national controversy.

War may be justified on moral grounds, when the thing in dispute is of small physical magnitude, but there must be a question of right at the bottom. Such was the case when Scott, on this same Niagara frontier, had, by glorious achievement, mingled his fame with the eternal voices of its cataract. Then, he was contending for those rights of man and of citizenship without which a nation could neither be independent, nor respect itself, nor be respected by the nations of the earth. Now, the dictate of right was peace, a peace which should leave the people of Great Britain and its colonies to settle their own domestic government in their own way, while our citizens were left undisturbed in their rights, and our shores untouched by the hand of aggression.<sup>1</sup>

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<sup>1</sup> It should be mentioned, that the Patriots had evacuated Navy Island on the 15th inst., and had landed in their small craft eleven miles below, where Van Rensselaer and his associates were immediately arrested, as Scott had said they should be, in his note written a few hours before the arrests.

Soon after this time, General Scott passed through Albany, when the legislature was in session, and received the attentions of a large number of public men and other citizens, without distinction of party. A public supper was given him, principally by members of the legislature, at which the lieutenant-governor presided, and Governor Marcy was a guest. All vied in expressions of respect for, and confidence in, the gallant officer whom they had assembled to welcome to the capital.

Among the toasts given on this occasion, may be cited the following, as characteristic of the prevailing tone and spirit—

“WINFIELD SCOTT—not less the scholar than the soldier, whose pen and sword have been wielded with equal skill in the defence of his country.”

“THE SOLDIER—who has ever made the law of the land his supreme rule of action, and who, while he has always fulfilled its utmost requirements, has never, in a single instance, transcended its limits.”

“OUR GUEST—the invincible champion of our rights, the triumphant vindicator of our laws.”

A similar entertainment was given on the following evening at another hotel, the Honorable Gulian C. Verplanck presiding.

The feelings and confidence of his fellow-citizens were thus, in various ways and in numerous quarters, manifested towards the man who was not merely a soldier, nor only a leader, but who was the servant of the laws, the faithful citizen, and the pacificator of troubled communities.

## CHAPTER XIX.

1838.

**C**herokee Controversy.—Measures for Removal.—General Scott ordered to command the Troops.—His Arrangements.—General Order.—Address to the Indians.—Enrolment for Removal.—Indian Encampment.—Scott's humane Care.—He is ordered again to the North.—Reflections.—Dr. Channing's Eulogy.

FOR more than ten years, extending from 1828 to 1838, a controversy was maintained, in various forms, between the state of Georgia and the Cherokee tribe of Indians, most of whom were residents of Georgia, and between the United States and each of those parties. The subject of this controversy was the lands belonging to the Cherokees in the state of Georgia. As the white settlements advanced, the Indians were gradually enclosed. They had become cultivators of the soil. They held good farms. They had a yet greater attraction, in the discovery of gold within their territory—that shining object, which had added new energy to the enterprise of settling the Western World, when as yet the ocean was a trackless waste, and the land an unsubdued wild. It is not surprising that these attractions were enough to allure the desires of the whites, and occasion efforts to drive the Indians from their lands. The only question was the justice of the means used to attain the end.

The civil relations of the Cherokees with the United States, and with Georgia, were not a little complicated; so that, in fact, each party to the controversy maintained some shadow of right. In the opinion of Chief Justice Marshall, delivered in the case of *S. A. Worcester versus the State of Georgia*,<sup>1</sup> the relations which the Indian tribes bear to the United States are fully stated.

"Their relation," says the chief justice, "is that of a nation claiming and receiving the protection of one more powerful; not that of individuals abandoning their national character and submitting, as subjects to the laws of a master."

Speaking of the acts of Congress to regulate trade and intercourse with the Indians, he says, "All these acts, and especially that of 1802, which is still in force, manifestly consider the several Indian nations as distinct political communities, having territorial boundaries within which their authority is exclusive, and having a right to all the lands within those boundaries, which is not only acknowledged but guarantied by the United States."

The relation of the Indians to the United States was that of pupilage and guardianship, the guardian having acknowledged the separate existence, distinct character, and positive rights of the pupil.

In pursuance of this relationship, the United States had made repeated treaties of alliance and friendship with the Cherokees, acknowledging their rights, and offering encouragements for their civilization.

One of these treaties contained the following stipulations.<sup>2</sup>

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<sup>1</sup> 42 Niles's Register, 41.

<sup>2</sup> 35 Niles, 292.

"Art. 7. The United States solemnly guaranty to the Cherokee nation, all their lands not hereby ceded."

"Art. 14. That the Cherokee nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunting, the United States will, from time to time, furnish gratuitously the said nation with useful implements of husbandry, &c."

Under this encouragement the Cherokees did become "herdsmen and cultivators;" and they are yet by far the most educated and civilized of any aboriginal tribe.

These were the rights which the Cherokees could claim of the United States, and the United States had guarantied to them. The position of Georgia, however, was very different. Georgia, by virtue of her municipal sovereignty as one of the States of the Union, claimed a right to extend her criminal jurisdiction over the Indians, and claimed also that the general government was bound to extinguish the Indian title to lands within her territory. Accordingly, in April, 1802, the United States entered into a compact with Georgia, that the general government would purchase the lands of the Indians, and remove them as soon as this could be peaceably accomplished. Georgia, then, did not acknowledge that any duties were due from her to the Cherokees, while she claimed from the United States the vacation of the Indian lands and claims. On the other hand, the Cherokees replied, that it was no matter what claims, real or imaginary, Georgia might have on the United States, she had none upon them; that they had a right to their lands, and that the United States were bound by the faith of treaties to respect those rights. The refusal of the Indians to sell their lands, and the impossibility of satisfying Georgia without extin-

guishing the Indian title, prolonged the controversy through many years, and finally resulted in an unsatisfactory treaty, and a forcible removal of the Indians.

During this controversy, a plan was formed for the settlement of the Indians on lands beyond the Mississippi, where it was supposed they would be undisturbed by the contact or the competition of the whites. In pursuance of this plan, a treaty was at length concluded with a portion of the Cherokee chiefs, and a partial ratification obtained. It was claimed to be legal, although controverted and alleged to be fraudulent by a portion of the Cherokee nation. The United States, however, proceeded to enforce it, and the Indians were, at length, compelled to yield to what seemed an inevitable destiny.

On the 10th of April, 1838, General Scott received orders to take the command of the troops dispatched to the Cherokee country, and to assume the general direction of affairs in that quarter. Having concerted measures with the war department for the removal of the Cherokees, and for the protection of the neighboring citizens, he entered upon his painful field of labor with that conscientiousness, and that high regard to duty, which forms a distinguished characteristic of his public as well as private acts.

Indeed, to remove against their general will a large body of Indians, some of whom were wealthy, and most of whom were partially civilized and Christianized, and all tillers of their own lands under a guarantee that their rights should not be disturbed, was a painful and trying duty. That God might enable him so to perform this service that its hard requirements should be tempered with mercy, was now his frequent prayer.

According to the terms of the treaty of 1835, the Cherokees occupying portions of Georgia, Alabama, North Carolina, and Tennessee, were obliged to emigrate, at this time, to lands allotted them by the United States, on the Arkansas River. Of this tribe there were yet left (some had previously emigrated) about fifteen thousand, clinging to their ancient homes and to the graves of their fathers. These it was the duty of General Scott to remove ; and his orders were to effect it peaceably if he could, but forcibly if he must. Several regiments of troops were placed at his command, and authority given him to call upon the governors of the neighboring States<sup>1</sup> for all the forces which would be required.

On the 10th of May he issued an address to the Cherokee nation, having, two days before, reached the Cherokee agency in Tennessee. There he found Colonel Lindsay, an old and valued friend, in command. The judicious arrangements which had already been commenced by Lindsay, received high praise from Scott. Posts had been established in important settlements of the Cherokees, and the principal mountain-passes were well guarded. It was at this place he issued his address, which was circulated in handbills, and with it an address to the troops. From the last, which was a general order, we extract here enough, separated from military detail, to show the caution, care, discretion, and humanity, which Scott enjoined upon the troops, and the pains he took to prevent any untoward accident, or any acts of unnecessary severity or cruelty :—

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<sup>1</sup> 54 Niles's Register, 129.

“ Head Quarters, Eastern Division,  
Cherokee Agency, May 17th, 1838. }

“ Considering the number and temper of the mass to be removed, together with the extent and fastnesses of the country occupied, it will readily occur that simple indiscretions, acts of harshness, and cruelty on the part of our troops, may lead, step by step, to delays, to impatience, and exasperation, and, in the end, to a general war and carnage ; a result, in the case of these particular Indians, utterly abhorrent to the generous sympathies of the whole American people. Every possible kindness, compatible with the necessity of removal, must, therefore, be shown by the troops ; and if, in the ranks, a despicable individual should be found capable of inflicting a wanton injury or insult on any Cherokee man, woman, or child, it is hereby made the special duty of the nearest good officer or man instantly to interpose, and to seize and consign the guilty wretch to the severest penalty of the laws. The major-general is fully persuaded that this injunction will not be neglected by the brave men under his command, who cannot be otherwise than jealous of their own honor and that of their country.

“ By early and persevering acts of kindness and humanity, it is impossible to doubt that the Indians may soon be induced to confide in the army, and, instead of fleeing to mountains and forests, flock to us for food and clothing. If, however, through false apprehensions, individuals, or a party here and there, should seek to hide themselves, they must be pursued and invited to surrender, but not fired upon, unless they should make a stand to resist. Even in such cases, mild remedies may sometimes better succeed than violence ; and it cannot be doubted, if we

get possession of the women and children first, or first capture the men, that, in either case, the outstanding members of the same families will readily come in on the assurance of forgiveness and kind treatment.

" Every captured man, as well as all who surrender themselves, must be disarmed, with the assurance that their weapons will be carefully preserved and restored at, or beyond the Mississippi. In either case, the men will be guarded and escorted, except it may be where their women and children are safely secured as hostages ; but, in general, families in our possession will not be separated, unless it be to send men, as runners, to invite others to come in.

" It may happen that Indians will be found too sick, in the opinion of the nearest surgeon, to be removed to one of the dépôts indicated above. In every such case, one or more of the family or the friends of the sick person will be left in attendance, with ample subsistence and remedies, and the remainder of the family removed by the troops. Infants, superannuated persons, lunatics, and women in helpless condition, will all, in the removal, require peculiar attention, which the brave and humane will seek to adapt to the necessities of the several cases."<sup>1</sup>

This address, the reader observes, is characterized by humanity, kindness, and a careful regard to the well-being and safety of the Indians.

The Address to the Cherokees was as follows—

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<sup>1</sup> Executive Documents, No. 453, 2d session, 25th Congress.

*"MAJOR-GENERAL SCOTT, of the United States Army, sends to the Cherokee people remaining in North Carolina, Georgia, Tennessee, and Alabama, this*

ADDRESS.

"Cherokees—The President of the United States has sent me, with a powerful army, to cause you, in obedience to the treaty of 1835, to join that part of your people who are already established in prosperity on the other side of the Mississippi. Unhappily, the two years which were allowed for the purpose, you have suffered to pass away without following, and without making any preparation to follow, and now, or by the time that this solemn *address* shall reach your distant settlements, the emigration must be commenced in haste, but, I hope, without disorder. I have no power, by granting a farther delay, to correct the error that you have committed. The full moon of May is already on the wane, and before another shall have passed away, every Cherokee man, woman, and child, in those states, must be in motion to join their brethren in the far West.

"My friends—This is no sudden determination on the part of the President, whom you and I must now obey. By the treaty, the emigration was to have been completed on or before the 23d of this month, and the President has constantly kept you warned, during the two years allowed, through all his officers and agents in this country, that the treaty would be enforced.

"I am come to carry out that determination. My troops already occupy many positions in the country that

you are to abandon, and thousands and thousands are approaching from every quarter, to render resistance and escape alike hopeless. All those troops, regular and militia, are your friends. Receive them and confide in them as such. Obey them when they tell you that you can remain no longer in this country. Soldiers are as kind-hearted as brave, and the desire of every one of us is to execute our painful duty in mercy. We are commanded by the President to act towards you in that spirit, and such is also the wish of the whole people of America.

“Chiefs, head men, and warriors—Will you then, by resistance, compel us to resort to arms? God forbid! Or will you, by flight, seek to hide yourselves in mountains and forests, and thus oblige us to hunt you down? Remember that, in pursuit, it may be impossible to avoid conflicts. The blood of the white man, or the blood of the red man, may be spilt, and if spilt, however accidentally, it may be impossible for the discreet and humane among you, or among us, to prevent a general war and carnage. Think of this, my Cherokee brethren! I am an old warrior, and have been present at many a scene of slaughter; but spare me, I beseech you, the horror of witnessing the destruction of the Cherokees.

“Do not, I invite you, even wait for the close approach of the troops; but make such preparations for emigration as you can, and hasten to this place, to Ross’s Landing, or to Gunter’s Landing, where you will all be received in kindness by officers selected for the purpose. You will find food for all, and clothing for the destitute, at either of those places, and thence at your ease, and in comfort, be transported to your new homes according to the terms of the treaty.

"This is the address of a warrior to warriors. May his entreaties be kindly received, and may the God of both prosper the Americans and Cherokees, and preserve them long in peace and friendship with each other.

"WINFIELD SCOTT."

To show unity of sentiment and purpose, the printed order and address went together to soldiers and Indians.

Several families immediately enrolled themselves for voluntary emigration; and but for the rapid circulation, at this time, of a report that the Cherokee delegation, still at Washington, would succeed in obtaining a modification of the treaty, Scott's most anxious desire to effect the removal voluntarily and at once, might have been realized. They believed that the power and influence of their delegation would be sufficient to accomplish that object, and therefore turned a deaf ear to the entreaties and advice of Scott, who was, in fact, their friend. He had deemed it humane, by the strength of numbers and measures, to make resistance hopeless. He had therefore spread his troops rapidly, and soon informed the superintendent of removal, a civil officer, that the Indians from Georgia would be sent in by the end of June, and from the other states by the end of July.

The collection was commenced in Georgia, May 26, under the eye of Scott. The Indians were brought into the military posts, where they were amply provided for. Thence they were escorted to emigrating dépôts as rapidly as was consistent with the collection of their personal effects, their health, and comfort. By the middle of June the operations in Georgia had been so nearly completed, that orders were issued for the honorable discharge of the

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troops of that state. In Scott's order,<sup>1</sup> high praise was bestowed on Brigadier-General Charles Floyd and the troops under his command, who were all of Georgia, for the handsome and humane manner in which their duties were performed.

Scott hoping that the Cherokees in North Carolina, Tennessee, and Alabama, might be encouraged to enroll themselves voluntarily, by the kind treatment shown to their brethren in Georgia, now sent Indian runners, who tendered their services, to those distant settlements ; and in the mean time suspended further collections to the 20th of June. On the morning of the 13th, those Indians were found by the troops as entirely unprepared as the Georgian Cherokees had been ; yet, at the end of ten days, all but a few stragglers in the mountains were brought in, with their personal property. The volunteers were discharged before the 15th of July, and as rapidly as arrangements could be made for their being mustered and paid, except a single company, retained a little longer for special service. More than a million of dollars was saved by the rapidity of these movements and discharges. With the exception of a few principal families, allowed to remain at their comfortable homes until called for, and some stragglers in the mountains, the whole body of the Cherokee nation had been collected for emigration before the middle of July, and without shedding one drop of blood. They were not without arms and fastnesses, nor without courage for the defence of their native homes. They were conquered by skilful movements, and yet more by generous kindness. All the volunteers, like the regulars,

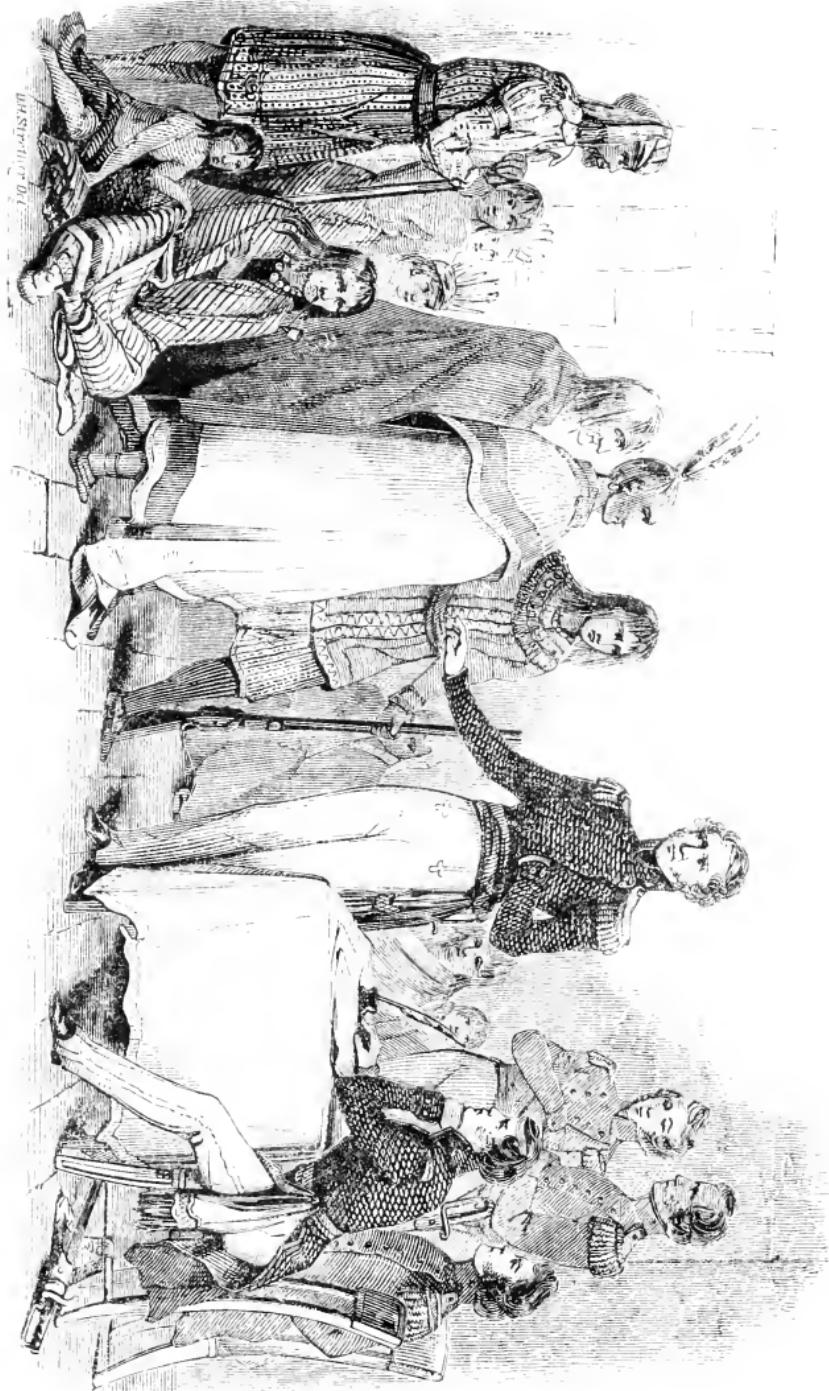
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<sup>1</sup> 54 Niles's Register, 324.

had caught the spirit of Scott's addresses and orders. It was a pleasant and edifying scene to see officers and men everywhere giving ready aid, in every difficulty and distress, to the helplessness of age and infancy. Tears were doubtless shed, and not alone by the Indian race.

Scott's business up to this date had been simply military. To bring in the Indians, and to turn them over with guards, if needed, to the civil agent for Cherokee emigration, was the only duty assigned him by the government. That agent had already put in motion some three thousand for their Western destination. But now, the Hiwassee, the Tennessee, and the Arkansas rivers had ceased to be navigable. A drought which had commenced in June, and which lasted to October, had already become distressing. In the next ten days, drinking-water for men and horses near the land route of emigration was not to be found, except at intervals of ten, or more frequently, of thirty miles. Scott, from humanity, and at the instance of the Cherokees, took upon himself to stop the emigration until the return of the cool and healthy season. That determination was subsequently approved at Washington.

All the principal Indians were first called to headquarters. Scott spoke of the drought, stated his wish to suspend the movement to the West, the expense of delay, the extreme inconvenience to himself of remaining with them till autumn, the want also of the regular troops elsewhere, and the fear that their people might break and disperse, if not kept within the chain of posts and sentinels. Every chief instantly agreed to sign a solemn pledge, not only for himself but for his family and friends; not only to prevent dispersion, but to send runners of their





own, to bring in the stragglers and those concealed, who still remained out. This written pledge was kept in good faith.

Scott immediately sent off three regiments of regulars to the Canada frontiers and Florida, where he knew they were much needed. The other two were retained more to aid and protect than to guard the Indians.

The Cherokees were now distributed into three large camps ; the principal, twelve miles by four, on high and rolling ground, on the Hiwassee, well shaded and abounding in springs and flowing rivulets. All necessary supplies were abundant and good, including medicines ; vaccination was introduced by the personal influence of Scott against the general prejudice ;<sup>1</sup> dram-shops were put under the guard of troops, to prevent the sale of liquors ; and numerous Indian superiors were appointed to visit every family daily, and to report on their wants. All worked well. Scott established himself for long months at the agency, in the midst of the principal camp, charged with innumerable labors and cares for the good of his pupils ; for such they were, both by the relation they sustained to the United States, and the watching and instruction he gave them.

The delegation, with Ross the principal chief, returned from Washington in July, when Scott received authority from the war department to transfer, by negotiation, the further emigration from the civil agent to the Cherokees

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<sup>1</sup> The reader will recollect what desolation has been brought on several tribes of Indians in the West, by their refusal to be vaccinated. The service rendered to the Cherokees in this single particular, was invaluable.

themselves. The proposition was submitted to the nation, and adopted with joy. The same delegates were appointed to arrange the general terms with Scott. The cost of the movement, as in the previous arrangement, was to be paid out of the five millions<sup>1</sup> of dollars stipulated by the United States to be given in exchange with the new country West, for the one inhabited by the Cherokees in the East.

To Scott, the sum to be paid *per capita*, for the removal, as proposed by the delegates, appeared much too high. The subject was referred back to the general council of the Cherokees, the largest they had ever held, who approved the new terms proposed to Scott. The same authority appointed a purveyor of supplies on the route, and the delegates specially charged with that duty proceeded to enroll their people into convenient parties for the road, with a conductor, sub-conductor, and physician, for each, to collect wagons, horses, and every thing necessary for the movement, as soon as the season and rain might permit.

Here was a wonderful change. A few months before, seven-tenths of the Cherokees threatened to die in defence of their ancient homes. Now the only contest among the chiefs and parties was—who shall first take the road to the far West. All were eager to lead or to follow.

At length October came, with some slight showers of rain, and by the 16th of November the last detachment

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<sup>1</sup> The compensation allowed the Cherokees was not an insufficient one. They were allowed the value of their improvements, their expenses, and a new country, which in natural advantages may be deemed superior to the other.

was in motion. The sick and helpless only were left to proceed by steam on the rise of the rivers.

Scott followed the line of emigration to Nashville, in order to help and cheer on the movement. He had intended to proceed farther; but an express overtook him from Washington, with dispatches, saying that the Patriots were reorganized to the number of eighty thousand, and were getting ready to break into the Canadas at many points. He instantly departed in that direction. Stopping nowhere to accept the public honors tendered him, he arrived at Cleveland and Detroit at critical moments. Thence he passed down the frontier into Vermont, and completed the work we have described in the preceding chapter. He re-established peace, law, and order all along the disturbed frontier of Canada.

In all this he had moved with almost the swift flight of the birds, and his work was completed in the brief space of their summer excursions. In this short season had Scott performed the work of Cherokee emigration, and returned to new and arduous labors in an opposite region and a very different climate. Such sudden changes, and such rude exposures, are the soldier's lot in pursuit of duty and in obedience to his country.

In this brief story we have narrated the manner in which the Cherokees—fifteen thousand in number—were carried from the homes of their fathers and the graves of their dead. That they left them in sadness, and looked to the uncertain future with dread and dark foreboding, none can doubt. However adventurous, far-searching, or curious may be the human mind when voluntarily pursuing its own objects, it cannot be forced from its ancient associations, without, like the upturn tree, breaking its deepest

roots, snapping its tendrils, and blighting its softest verdure. This is a shock, too, which is felt the most in the most secluded retreats of the family. It touches the hearts which have grown in the shade, where few rays from the glaring light of the world have ever fallen. It would not be difficult to imagine some Indian woman, and perhaps an aged one, stopping alone by the rippling stream to hear the murmur of waters she should hear no more—to break a twig from trees whose shade she should enjoy no longer—to linger round the lonely mound, which was henceforth to be the only memorial of her race—to cast one last look on the summits of hills, to which, with the friends of her youth, she had often gazed in the glowing sunsets of summer. They fade now in the shades of evening, and she heaves the last sigh, drops her last tear, and hills, and woods, and murmuring streams, live for her only in the memory of the exile !

The remaining years of her life she spends in strange scenes, and looking intensely into the future, hopes, perhaps, for

“ Some safer world in depths of woods embraced,  
Some happier island in the watery waste,  
Where slaves once more their native land behold,  
No fiends torment, no Christians thirst for gold.”

Such scenes as these may be easily imagined, and it is scarcely possible they should not have occurred in any nation, savage or civilized, on leaving their native land. The question, however, remains, whether, in the plans of Providence, and their merciful development, the policy of the United States towards the Cherokees has not really been the true policy, and its effect for their ultimate good ? It is certain that they have received a rich and valuable

territory, where, on the waters of the Arkansas, they yet cultivate lands—where they have organized a civil government, and where they appear still to advance in numbers and prosperity. Should this continue to be their history, may they not hereafter become a State of aboriginal inhabitants, in a condition of civilization and Christianity? If this should happily be the case, the Cherokee State will be a monument enduring through after ages of that wild and singular race, who seemed the children of the forest, defying the scrutiny of philosophy, and shunning the gaze of civilized man. The lone mound will not be their only memorial, nor tradition their only story. They will live to enjoy the fruits of legal liberty, to extend the dominion of the arts, to rest in the shade of peace ; and, no longer hunters and warriors, adorn the realms of science, religion, and philosophy.

But whatever may be thought of the act or the result of removing the Indians, no one can doubt that the part Scott had in that business was performed with a skill, a humanity, and a forbearance worthy of much admiration.

In the *National Intelligencer* of that time there appeared an article from a responsible writer, describing the character of Scott's acts, narrated in this and the previous chapter.<sup>1</sup> From that we take the following extract, as just as it is historically true :—

“ The manner in which this gallant officer has acquitted himself within the last year upon our Canada frontier, and lately among the Cherokees, has excited the universal admiration and gratitude of the whole nation. Owing to his great popularity in the North, his thorough knowledge

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<sup>1</sup> *National Intelligencer*, September 27th, 1838.

of the laws of his own country, as well as those which govern nations, united to his discretion, his great tact and experience, he has saved the country from a ruinous war with Great Britain. And by his masterly skill and energy among the Cherokees, united to his noble generosity and humanity, he has not only effected what everybody supposed could not be done without the most heart-rending scenes of butchery and bloodshed, but he has effected it by obtaining the esteem and confidence of the poor Cherokees themselves. They look upon him as a benefactor and friend, and one who has saved them from entire destruction.

“ All the Cherokees were collected for emigration without bloodshed or violence, and all would have been on their way to the West before the middle of July, had not humanity induced Gen. Scott to stop the movement until the 1st of September. Three thousand had been sent off in the first half of June by the superintendent, before the general took upon himself the responsibility of stopping the emigration, from feelings which must do everlasting honor to his heart.

“ An approval of his course had been sent on by the War Department before his report, giving information that he had stopped the emigration, had reached the seat of government.

“ In the early part of January last, the President asked Congress for enlarged powers, to enable him to maintain our neutral obligations to England ; that is, to tranquillize the Canadian frontiers.

“ Before the bill passed Congress, Gen. Scott had finished the work, and effected all its objects. These, too, he effected by flying from one end of the frontier to the other

in the dead of winter, and during the severest and coldest period of it.

“He returns to Washington, and is immediately ordered to the Cherokee nation, to take charge of the very difficult and hazardous task to his own fame of removing those savages from their native land. Some of his best friends regretted, most sincerely, that he had been ordered on this service; and, knowing the disposition of the world to cavil and complain without cause, had great apprehensions that he would lose a portion of the popularity he had acquired by his distinguished success on the Canadian frontier. But, behold the manner in which this last work has been performed! There is so much of noble generosity of character about Scott, independent of his skill and bravery as a soldier, that his life has really been one of romantic beauty and interest.”

The truth of this picture may be judged by the facts of this history. But whatever opinion may be formed on that point, there have been men of the most eminent intelligence, themselves disinterested and capable of judging, who have formed the same estimate of the character and acts of Scott. We subjoin the following testimony of the Rev. DOCTOR CHANNING, in a work published in Boston:

“To this distinguished man belongs the rare honor of uniting with military energy and daring, the spirit of a philanthropist. His exploits in the field, which placed him in the first rank of our soldiers, have been obscured by the purer and more lasting glory of a pacificator, and of a friend of mankind. In the whole history of the intercourse of civilized with barbarous or half-civilized communities, we doubt whether a brighter page can be found

than that which records his agency in the removal of the Cherokees. As far as the wrongs done to this race can be atoned for, General Scott has made the expiation.

"In his recent mission to the disturbed borders of our country, he has succeeded, not so much by policy as by the nobleness and generosity of his character, by moral influences, by the earnest conviction with which he has enforced on all with whom he has had to do, the obligations of patriotism, justice, humanity, and religion. It would not be easy to find among us a man who has won a purer fame ; and I am happy to offer this tribute, because I would do something, no matter how little, to hasten the time, when the spirit of Christian humanity shall be accounted an essential attribute and the brightest ornament of a public man."

## CHAPTER XX.

1839.

Scott again on the Northern Frontier.—Maine Boundary Question.—Its Origin.—Scott's Reception by Governor Everett.—Proceedings of the State of Maine.—Scott's Arrival and Reception at Augusta.—Remarks in Congress on the anticipation of War.—Mr. Van Buren's Message.—The "Memorandum."—Effect of the "Memorandum" in Maine.—Governor Fairfield's Message.—Resolutions of the Legislature.—Former Friendship of Scott and Harvey.—Interesting Anecdote.—Correspondence of Scott and Harvey.—Scott's "Memorandum."—Termination of the Difficulties.—Treaty made by Daniel Webster.

FROM the land of the Cherokees and the scene of their exile, General Scott hastened back to that northern frontier, which had so nearly become the theatre of war. He again visited and tranquillized the Canadian borders, from Detroit along nearly the whole line to Northern Vermont. Here he learned that hostile movements were on foot on both sides of what was then known as the **DISPUTED TERRITORY**. This was a territory on the borders of the State of Maine, the boundaries of which the United States and Great Britain had not been able exactly to ascertain, so as to determine satisfactorily the line between the two nations.

The territory between the two lines claimed by each party respectively as the true line, was the territory known as the "disputed" district. On one side of this district lay New Brunswick, a British province, and on the other the State of Maine. The governors and authorities of

each of these States were jealous of their respective rights, and felt impelled to aid the settlement of their own citizens, and resist what they called the encroachments of the other side. Trespassers on both sides continued in some form to occupy some parts of the country, especially for the purpose of cutting timber. Both the British and the Americans then established military posts, and in fine, by a succession of claims and counter claims, aggressions and defences from either side, naturally and necessarily arising out of an uncertain boundary, and an unsettled territory, to which there was an undetermined ownership, there came complicated border difficulties, and extreme danger of hostile collision.

Hearing of these difficulties and of this danger, and fearing that letters to him might be misdirected in consequence of the rapidity of his movements, Scott hastened immediately to Washington. He presented himself at the War Department a day and a half in advance of the mail from the Canada line.

The condition of affairs, on his arrival, was perilous to the peace, not merely of this country or of Great Britain, but of the civilized world ; for it can hardly be supposed that the two greatest commercial nations of the world could come in conflict on every sea, and in almost every port of the globe, and yet not involve other nations, or that war would cease with the cessation of the immediate cause. The passion for war is contagious. The bystanders in the play of battles feel an instinctive impulse to share in the action. Their reason and their conscience can hardly restrain them from feeling, and even believing, that their interest, their honor, or their fame requires that they also should enter the arena of a bloody

ambition, pursuing the rewards of conquest or the glory of victories. Hence it is that a war between leading nations, especially between the new and old systems of government, would, reasoning from experience and probabilities, result in one of those general and long-continued seasons of bloodshed, revolutions, and conquests, which have so often impoverished the substance, and corrupted the morals of nations.

When Scott arrived at Washington, such a crisis seemed to be tangibly and visibly present. The President of the United States, Mr. Van Buren, just then announced to Congress, by special message, that "the peace of the two nations is daily and imminently endangered." The President also said, that in a certain event, he should feel himself bound to call out the militia to repel invasion, and he invited from Congress such action as it deemed expedient. So extraordinary was the danger, that Congress adopted extraordinary measures. In five days, an act was passed authorizing the President, if he deemed best, to call out the militia for six months, to accept, if necessary, the services of fifty thousand volunteers ; and appropriating ten millions of dollars for these objects.

Scott having arrived at Washington, had interviews with the President, with the Secretaries of State and War, and with the committees in Congress on foreign and military affairs. He assisted in drawing and urging the bills to put at the disposition of the Executive fifty thousand volunteers, and ten millions of dollars to meet exigencies.<sup>1</sup> This

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<sup>1</sup> This act bore all the impress of an expectation of an instant war. It was taken up on the 26th of February, 1839, signed and approved March 3d, 1839. It passed the Senate by a unanimous vote, notwithstanding the great power it placed in the hands of the President.

being done, he immediately departed, and reached Augusta, the seat of government in Maine, in about eight days after his arrival at Washington. It turned out that had he been three days later, he would have found a war made to his hands.

Passing through Boston, and having official business with Governor Everett, of Massachusetts, he repaired to the state-house, where that accomplished officer and scholar addressed him in substance as follows:—

“GENERAL:—

“I take great pleasure in introducing you to the members of the Executive Council of Massachusetts; I need not say that you are already known to them by reputation. They are familiar with your fame as it is recorded in some of the arduous and honorable fields of the country's struggles. We rejoice in meeting you on this occasion, charged as you are with a most momentous mission by the President of the United States. We are sure you are intrusted with a duty most grateful to your feelings—that of averting an appeal to arms. We place unlimited reliance on your spirit, energy, and discretion. Should you unhappily fail in your efforts, under the instructions of the President, to restore harmony, we know that you are equally prepared for a still more responsible duty. Should that event unhappily occur, I beg you to depend on the firm support of the Commonwealth of Massachusetts.”

To this address, the general replied in a manner suitable to the place and the subject; and concluded with assuring the governor and council that the executive of the United States had full reliance on the patriotism and public spirit of Massachusetts, to meet any emergency which might arise.

Scott had been called to the Maine border to avert a threatened war. This crisis had been brought about by a long series of acts, disagreements, and events, connected with the Maine boundary. How this difficulty arose, and what discussions and events grew out of it, may be learned by a perusal of the American State Papers, especially in the History of the American Diplomacy. In searching, however, for the materials to ascertain and describe the part Scott performed in this critical affair, and one with which it was certain and admitted he had much to do, but little will be found in the official documents of the government. The President's message and accompanying reports, in December, 1839, omitted any account of his connection with the preservation of peace, and the settlement of the pending and instant threatenings of war ; perhaps because it was thought that the transactions of a military commander were a matter of course, and not to be deemed part of the diplomatic arrangements by which such questions have finally to be determined. This, however, is a mistake. The questions of peace or war have much oftener depended on the conduct of military officers on the frontiers, than they have on any negotiations.<sup>1</sup> In the history already given, in a previous chapter, of Scott's conduct on the Canada frontier, and his efforts for peace, it is most evident, that had either the British or the American military commanders preferred war, and been uncon-

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<sup>1</sup> Suppose a frontier officer were, on some slight or imaginary cause, to make a dash into the territory of a neighboring nation. He would be resisted ; blood would be shed. The border population would be excited, and it would be almost impossible for any negotiation to remedy the evil. This was partially the fact in the case of the "Caroline :" and it was only by the greatest efforts that peace was then preserved.

scientious as to the means, war must have inevitably happened.<sup>1</sup> Blood would have been shed, the patriots would have moved in masses, and the people and governments would have followed them. The efforts of the military commander were here far more potent than any negotiations.

The War Secretary's report should, at least, have noticed these events, tending more than any other events of the year to show that military men had something beyond and above the mere qualities of a soldier; and that to these superior capacities of mind the war department had been indebted for some of the best acts for the peaceful as well as martial glory of the country.<sup>2</sup>

Early in the winter preceding the period of which we now speak, the State of Maine had sent a land-agent,

<sup>1</sup> It was somewhere stated that Sir Allen McNab, then commanding on the Canada shore, said, after the adventure of the *Barcelona*, that the British officer had mistaken his orders in not firing on the *Barcelona*. But suppose he had fired, the American cannon would have answered; the war would have been commenced, and the people would have continued it. Canada would have been invaded, and no one can tell what might have been the result.

<sup>2</sup> In the General Regulations for the Army, drawn up by Scott in 1825, is this paragraph, which proves his own sense of justice in this respect:—

“ As reports and orders, relative to battles and other military operations, constitute, in the case of subordinates, the foundations of military fame, and that fame the principal reward of merit, too much care cannot be observed by,” &c. &c., before offering names “ to the notice of government, and the admiration of the country.” He then gives rules for collecting the principal facts, in order that reports, &c., may be made with impartiality and fidelity, in execution of that “ high and delicate trust.”

Official reports have sometimes made strange mistakes.

“ Thrice happy he whose name has been well spelt  
In the dispatch:—I knew a man whose loss  
Was printed *Grove*, although his name was *Grose*.”

accompanied by an armed civil posse, to drive off from the disputed territory certain trespassers, whom she alleged were cutting the timber, which gave the chief value to this cold and not very fertile territory. The land-agent, and head of this posse, was seized by the authorities of New Brunswick, and carried off to prison in that province. This act aroused the indignation of Maine. A spirited correspondence was carried on between the governor of the state and the governor of the province, which was unsatisfactory to both of them, and finally resulted in coolness and silence. The land-agent, however, was soon released; but to carry out her purpose of driving off the trespassers, Maine passed an act placing eight thousand volunteers and eight hundred thousand dollars at the command of the governor. Some of these troops were pushed forward in February; and in the beginning of March the whole force, under a universal excitement, was in motion to conquer, if necessary, and to hold by arms, the long-withheld territory. The other side remained neither ignorant nor inactive. The governor of New Brunswick was Sir John Harvey, a major-general, distinguished in the field and in the administration of civil affairs—a man of ability and of high character. He had received, some time before, instructions from his government to meet the case long apprehended, and now about to occur. All correspondence on the part of the two governors had ceased, and British troops, both regulars and militia, were now in march for the theatre of impending hostilities.

It was just at this time (6th of March) that Scott arrived at Augusta, the seat of government in Maine. He had passed, on the way, many of the fine volunteers of Maine. They were eager for the contest. The Legis-

lature was in session, and it was thought and believed by many that he had come to put himself at the head of the movement, and to open the war. No person seemed to imagine that the preservation of peace was more than a distant possibility. This impression was common to nearly all the people of the Union, and was attended by all the hopes, fears, and anxieties which are excited by the prospect of so momentous an event.

As evidence of this fact, some passages of the debates in Congress may be cited. Mr. Caleb Cushing, of Massachusetts, said, February 26, in the debate on the extraordinary bill for raising fifty thousand volunteers :—

“ But how stands the fact ? We have these threatening events in the northeast, and these new pretensions of the colonial authorities of Great Britain to show what is doing there. How is it in the North ? We have heard much of the success of a distinguished *Pacificator*<sup>1</sup> in restoring a peaceful state of things there ; but the fires of indignation along the whole line, which the misrule of Great Britain, and the misconduct of the ruling party in Upper and Lower Canada, have awakened, are smothered, not extinguished, and it needs but the touch of a spark to kindle them into a devouring flame to spread like lightning from Maine to Michigan.”<sup>2</sup>

Mr. John Quincy Adams also said, on the 2d of March :

“ Whatever might be the action of the House at the present time, he believed the question would eventually

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<sup>1</sup> Scott was then at Washington, urging the passage of the bill under debate ; but it was known that he was soon to be off for Maine.

<sup>2</sup> The Canadian Patriot troubles had, at the end of February, 1839, been tranquillized, and did not again break out. Mr. Cushing, a member from Massachusetts, perhaps partook a little more of the excitement growing out of the Maine boundary than belonged to others.

have to be settled by force of arms, and for one he was not disposed to have much further negotiation."<sup>1</sup>

The *Globe*, then the official organ of the government, copied a letter from the *Boston Atlas*, dated Senate Chamber, Augusta, March 2d, 1839, in these words:—

“I speak advisedly when I say, that if the contemplated visit of General Scott to Maine is only to persuade a withdrawal of our troops from the disputed territory, or a relinquishment of our present position, he might as well stay away.”

On the 27th of February, the President, Mr. Van Buren, transmitted to Congress a message, enclosing a memorandum, mutually signed by the Secretary of State and the British Minister, the object of which was to prevent an instant collision, and consequently war; but by some unaccountable oversight, the interests and sensibilities of the people of Maine were too little considered, and there was much difficulty in reconciling them to the new state of things. The following are copies of the message and memorandum:—

“ NORTHEASTERN FRONTIER.

“The President submitted the following message from the President of the United States:

“WASHINGTON, Feb. 27, 1839.

“*To the Senate of the United States:*

“I transmit to Congress copies of various other documents received from the governor of Maine, relating to

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<sup>1</sup> The danger of war growing out of the Maine boundary was much greater than it has since been on the Oregon question. Besides, there was a present and instant danger of collision at any moment. The extreme narrowness of the crisis may be known and understood by the text.

the dispute between that State and the Province of New Brunswick, which formed the subject of my message of the 26th inst., and also a copy of a memorandum signed by the Secretary of State of the United States, and Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary near the United States, of the terms upon which it is believed all collision can be avoided on the frontier, consistently with and respecting the claims on either side. As the British Minister acts without specific authority from his government, it will be observed that this memorandum has but the force of recommendation on the provincial authorities and on the government of the state.

"M. VAN BUREN."

"MEMORANDUM.

"Her Majesty's authorities consider it to have been understood and agreed upon by the two governments, that the territory in dispute between Great Britain and the United States, on the northeastern frontier, should remain exclusively under British jurisdiction until the final settlement of the boundary question.

"The United States government have not understood the above agreement in the same sense, but consider, on the contrary, that there has been no agreement whatever for the exercise, by Great Britain, of exclusive jurisdiction over the disputed territory, or any portion thereof, but a mutual understanding that, pending the negotiation, the jurisdiction then exercised by either party, over small portions of the territory in dispute, should not be enlarged, but be continued merely for the preservation of local tranquillity and the public property, both forbearing as far as

practicable to exert any authority, and, when any should be exercised by either, placing upon the conduct of each other the most favorable construction.

“A complete understanding upon the question, thus placed at issue, of present jurisdiction, can only be arrived at by friendly discussion between the governments of the United States and Great Britain ; and, as it is confidently hoped that there will be an early settlement of the question, this subordinate point of difference can be of but little moment.

“In the mean time, the governor of the Province of New Brunswick and the government of the State of Maine, will act as follows : Her Majesty’s officers will not seek to expel, by military force, the armed party which has been sent by Maine into the district bordering on the Aroostook river ; but the government of Maine will, voluntarily, and without needless delay, withdraw beyond the bounds of the disputed territory any armed force now within them ; and if future necessity should arise for dispersing notorious trespassers, or protecting public property from depredation by armed force, the operation shall be conducted by concert, jointly or separately, according to agreements between the governments of Maine and New Brunswick.

“The civil officers in the service respectively of New Brunswick and Maine, who have been taken into custody by the opposite parties, shall be released.

“Nothing in this memorandum shall be construed to fortify or to weaken, in any respect whatever, the claim of either party to the ultimate possession of the disputed territory.

“The Minister Plenipotentiary of Her Britannic Majesty having no specific authority to make any arrangement on

the subject, the undersigned can only recommend, as they now earnestly do, to the governments of New Brunswick and Maine, to regulate their future proceedings according to the terms herein set forth, until the final settlement of the territorial dispute, or until the governments of the United States and Great Britain shall come to some definite conclusion on the subordinate point upon which they are now at issue.

"JOHN FORSYTH, *Secretary of State  
of the United States of North America.*

"H. S. FOX, *H. B. M. Envoy  
Extraordinary and Minister Plenipotentiary.*

"WASHINGTON, February 27, 1839."

This memorandum did not settle the difficulty. The *Baltimore American*, in making a summary of some intelligence from Maine, says :—

"The President's message and the recommendatory agreement do not appear to be received with favor in Maine ; but there is hope that after they have been duly considered by the good people of that State, they will see the propriety of falling in with the pacific policy which they go to maintain.

"Major-General Scott reached Portland on Tuesday afternoon last, and was to address the citizens that evening. We rely much on the discretion, zeal, and talent of this invaluable officer, in bringing matters back to a peaceful attitude."

This MEMORANDUM, which, at first view, seemed to smooth the way to an honorable retreat for both parties, and consequently to the adjustment of the immediate

quarrel between the *quasi* belligerents, was found by General Scott, at every step, the most difficult element to conquer. Both Maine and New Brunswick had long exercised jurisdiction "over small portions of the territory in dispute," as recited in the *memorandum*. But when that was signed, it was known each had extended her forces to other portions. The recommendation, therefore, that "Maine will, voluntarily and without needless delay, withdraw beyond the bounds of the disputed territory any armed force now within them," merely on the consideration that "Her Majesty's officers will not seek to expel, by military force," the troops of Maine, without the reciprocal injunction that "any armed force" of the opposite side "will" also be withdrawn, evidently authorized the continued presence of the British forces within those bounds. This necessary construction gave great offence to the people, including the governor of Maine and the majorities in the Legislature, although they were of the same party with the national administration which had made the *memorandum*. The administration, it was said in Maine, had been outwitted, or had wilfully abandoned the pride, the honor, and the interests of Maine. General Scott, in the discharge of his official duties, was only an American charged with important trusts, and therefore devoted himself in good faith to smooth these difficulties, and reconcile the state and national authorities.

His reception by the people and authorities of Maine at Augusta, the seat of government, was such as to increase his power of harmonizing opposite feelings, by showing the strong sympathy between himself and the body of the people. On Thursday, the 7th of March, General Scott met the citizens of Augusta, representa-

tives and soldiers, in the Legislative Hall. A correspondent of the Portland Argus says :—<sup>1</sup>

"The hall was full and the galleries were crowded. Many could not get places. The greeting of the general to the officers and soldiers introduced to him was peculiarly happy. In one of the representatives, Mr. Frost of Bethel, he recognised a fellow-soldier of the last war. They were both wounded in the same battle. The interview was enthusiastic. The general seemed hardly willing to part with his hand."

"After a half hour spent in these mutual interchanges of friendship, Mr. Allen of Bangor, in a few remarks, welcomed General Scott among us, to which welcoming he replied by thanking the audience for the hearty reception they had given him in the capitol of Maine, and by expressing his happiness at being enabled, face to face, to see so many of her sons—and, should war come, he should be glad to be found shoulder to shoulder, breast to breast with such soldiers."

General Scott remained at Augusta several weeks, and on the 12th of March Governor Fairfield, of Maine, transmitted a message to the Legislature,<sup>2</sup> stating strongly the objections to the terms of the memorandum, as we have already narrated them, but concluding with the following recommendation—<sup>3</sup>

What then shall be done? The people of the State surely are not desirous of hurrying the two nations into a war. Such an event is anxiously to be avoided, if it can be without dishonor. We owe too much to the Union, to

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<sup>1</sup> 56 Niles's Register, 34.

<sup>2</sup> 56 Niles's Register, 70.      <sup>3</sup> Idem, 71.

ourselves, and, above all, to the spirit and principles of Christianity, to bring about a conflict of arms with a people having with us a common origin, speaking a common language, and bound to us by so many ties of common interest, without the most inexorable necessity. Under these circumstances I would recommend that, when we are fully satisfied, either by the declarations of the lieutenant-governor of New Brunswick, or otherwise, that he has abandoned all idea of occupying the disputed territory with a military force, and of attempting an expulsion of our party, that then the governor be authorized to withdraw our military force, leaving the land-agent with a posse, armed or unarmed, as the case may require, sufficient to carry into effect your original design—that of driving out or arresting the trespassers, and preserving and protecting the timber from their depredations."

On the 20th inst. the Legislature passed resolutions accordant in spirit with the above message of the governor.

Thus far the presence of Scott in Maine had been attended by a pacific temper and salutary effects; but it will be observed, that the recommendation of the governor and the resolution of the Legislature in accordance with it, required a declaration, or its equivalent, from the lieutenant-governor of New Brunswick; that is, they required the British governor to take the first step. To understand the difficulty of this requisition, it should be remembered, that just at this moment the people of the Province of New Brunswick were highly inflamed against the people of Maine; that the Provincial Legislature had authorized a call for volunteers; and that large reinforcements of British troops were on their march to this frontier.<sup>1</sup>

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<sup>1</sup> During the troubles on the Canada and Maine frontiers, large bodies

Yet, notwithstanding the advantage conceded to Great Britain apparently, in the memorandum made at Washington, it was necessary to induce the governor of New Brunswick to make the first advance towards the local adjustment, in the hope of one general and final.

The two governors, it will be remembered, had from some personal offence, given by one side or the other, long ceased all correspondence. A mediator was needed. Scott fortunately had some peculiar advantages for that office, and now applied himself to it with all his heart and might.

Colonel Scott and Lieutenant-Colonel Harvey were, in the campaign of 1813, the adjutant-generals of the opposing armies in Upper Canada. Both being always in front, they very generally found themselves pitted against each other in the battle-field. Their staff positions also made them the organs of their respective armies, by letters and by personal interviews, under flags of truce. In that official intercourse they cordially united to soften down the asperities of war—to provide for the general wants of prisoners, to appoint exchanges and to obtain paroles, and to the devising of means for enforcing the laws of civilized war on the Indian allies of the two armies. It was also through them that letters and money passed from one army into the hands of the prisoners of the other. Thus it happened that sentiments of high respect between the parties were soon ripened into personal friendship, leading (for both were remarkable in stature) to mutual

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of troops were ordered into British America from various parts of the world. At the very time of Scott's arrival at Augusta, additional regiments had landed at Quebec, and were on their march to Frederickton, New Brunswick. See 56 Niles's Register, 34.

recognition and salutes, when advancing to close combat. If their chivalry went not as far as that of the French officer at the battle of Fontenoi, who, standing in front of his troops, exclaimed, "Gentlemen of the English guards, give us your fire!" yet there was not wanting a touch of the romantic in their meetings.

Once, when reconnoitring and skirmishing, Scott contrived, as he thought, to cut off his daring opponent from the possibility of retreat. In an instant, an American rifle was levelled upon him. Scott struck up the deadly weapon, crying—"Hold! he is our prisoner." But Harvey, by a sudden turn and desperate leap of his horse, broke through the skirmishers, and escaped under a shower of balls, to reappear in the following campaign, a formidable opponent of his enemy and friend in the fields of Chippewa and Niagara.<sup>1</sup>

When Major-General Scott arrived in Maine, it so happened, that he had with him an unanswered private letter from Sir John Harvey, written before the troubles on the borders of New Brunswick, and received at the far South. A reply to that friendly letter brought on at once a semi-official correspondence between the parties, which soon became brisk and public.<sup>2</sup> Each established a line of *estafettes* (couriers) to the frontiers.

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<sup>1</sup> After a capture of baggage, on some occasion, in 1813, a splendid coat of a British staff-officer was seen in the hands of an American. On inquiry, it was learned that it had been taken from a portmanteau marked "Lieut. Col. Harvey," together with the miniature of a beautiful young lady—the bride of that gallant officer, left in England. Scott purchased both, and sent them to him, to whom the likeness, at that distance, was invaluable.

<sup>2</sup> Sir John Harvey assented to a proposition of General Scott that their correspondence should be subsequently considered as semi-official.

Standing high in the confidence of his own government, and being above pique and petty advantages, all repugnance towards the first step, which was required by the resolution that passed the Maine Legislature, towards preserving the peace of the borders, and the consequent peace of two great nations, on honorable terms, was soon conquered by the governor of New Brunswick. When this was done, Scott felt himself at liberty to appeal to the same generous sentiments on the part of the Maine authorities.

The correspondence above referred to, and the concessions in this correspondence of Sir John Harvey, had occurred previous to the resolutions of the Legislature narrated above; and when that point was gained, the difficulty was to procure the pacific action of the governor and Legislature of Maine.

The governor of Maine became satisfied that he might take the second step, but thought he could not withdraw the troops from the disputed territory without the concurrence of the Legislature. With his approbation, Scott had now to urge his suit for peace and compromise with the members of the Legislature. Both political parties had been equally excited against New Brunswick and Great Britain about the boundary; but both were jealous and watchful of each other. Each had, within a few years, gained predominance, by the use of this foreign question. It was natural they should think, that a too ready yielding might be unpopular at home. It was therefore necessary that the members of these political parties in the Legislature should make a simultaneous movement. Scott had succeeded in reconciling the leading members of the dominant party in Maine to the measures of their political

friends at Washington ; he had succeeded in obtaining a friendly concession from the Governor of New Brunswick ; and now he had the address to reconcile opposing parties in the Legislature. We have been told, and indeed the newspapers of the day show something of it,<sup>1</sup> that this was a remarkably interesting scene. The details belong chiefly to that private history which public reports do not reach, and which rarely or never are developed till another generation.

The resolutions of Maine were passed on the 20th instant. By that time Scott was prepared with his memorandum, signed by Sir John Harvey, and containing all that was necessary to establish peace. Governor Fairfield immediately added his signature. Copies were duly interchanged by General Scott. Tranquillity was restored on the borders, and the subject of peace and war transferred to the national authorities.

The resolutions of the Maine Legislature were passed on the 20th of March, and on the 21st instant, General Scott sent his official communication to Sir John Harvey, which was the memorandum of what was assented to by the Governors of Maine and New Brunswick. Below are the official papers by which the instant danger of war was averted and a foundation laid for future negotiations.

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<sup>1</sup> In Niles's Register for April, 1839, will be found many extracts from newspapers and other documents, illustrating these facts. The newspapers of Boston, Portland, and Augusta, all contained the detailed history of these events.

From the Augusta (Me.) Journal, March 26, 1839.

*"The War ended.—Important Correspondence."*

“‘ Head-Quarters, Eastern Division U. S. Army,  
Augusta, Me., March 21, 1839. } }

“‘ The undersigned, a Major-General in the Army of the United States, being specially charged with maintaining the peace and safety of their entire northern and eastern frontiers, having cause to apprehend a collision of arms between the proximate forces of New Brunswick and the State of Maine on the *disputed territory*, which is claimed by both, has the honor, in the sincere desire of the United States to preserve the relations of peace and amity with Great Britain—relations which might be much endangered by such untoward collision—to invite from his Excellency Major-General Sir John Harvey, Lieutenant-Governor, &c., &c., a general declaration to this effect:

“‘ That it is not the intention of the Lieutenant-Governor of Her Britannic Majesty’s Province of New Brunswick, under the expected renewal of negotiations between the cabinets of London and Washington on the subject of the said disputed territory, without renewed instructions to that effect from his government, to seek to take military possession of that territory, or to seek, by military force, to expel therefrom the armed civil *posse* or the troops of Maine.

“‘ Should the undersigned have the honor to be favored with such declaration or assurance, to be by him communicated to his Excellency the Governor of the State of Maine, the undersigned does not in the least doubt that he

would be immediately and fully authorized by the Governor of Maine to communicate to his Excellency the Lieutenant-Governor of New Brunswick a corresponding pacific declaration to this effect :

“ ‘ That, in the hope of a speedy and satisfactory settlement, by negotiation, between the governments of the United States and Great Britain, of the principal or boundary question between the State of Maine and the Province of New Brunswick, it is not the intention of the Governor of Maine, without renewed instructions from the Legislature of the State, to attempt to disturb by arms the said Province in the possession of the Madawaska settlements, or to attempt to interrupt the usual communications between that province and Her Majesty’s Upper provinces ; and that he is willing, in the mean time, to leave the questions of possession and jurisdiction as they at present stand—that is, Great Britain holding, in fact, possession of a part of the said territory, and the government of Maine denying her right to such possession ; and the State of Maine holding, in fact, possession of another portion of the same territory, to which her right is denied by Great Britain.

“ ‘ With this understanding, the Governor of Maine will, without unnecessary delay, withdraw the military force of the state from the said disputed territory—leaving only, under a land agent, a small civil *posse*, armed or unarmed, to protect the timber recently cut, and to prevent future depredations.

“ ‘ Reciprocal assurances of the foregoing friendly character having been, through the undersigned, interchanged, all danger of collision between the immediate parties to the controversy will be at once removed, and time allowed

the United States and Great Britain to settle amicably the great question of limits.

“‘The undersigned has much pleasure in renewing to his Excellency Major-General Sir John Harvey, the assurances of his ancient high consideration and respect.

“‘WINFIELD SCOTT.’

“To a copy of the foregoing, Sir John Harvey annexed the following—

“‘The undersigned, Major-General Sir John Harvey, Lieutenant-Governor of Her Britannic Majesty’s Province of New Brunswick, having received a proposition from Major-General Winfield Scott, of the United States Army, of which the foregoing is a copy, hereby, on his part, signifies his concurrence and acquiescence therein.

“Sir John Harvey renews with great pleasure to Major-General Scott the assurances of his warmest personal consideration, regard, and respect.

“‘J. HARVEY.

“‘Government House, Fredericton,  
New Brunswick, March 23, 1839.’ }

“To a paper containing the note of General Scott, and the acceptance of Sir John Harvey, Governor Fairfield annexed his acceptance in these words—

“‘Executive Department,  
Augusta, March 25, 1839.’ }

“‘The undersigned, Governor of Maine, in consideration of the foregoing, the exigency for calling out the troops of Maine having ceased, has no hesitation in signifying his entire acquiescence in the proposition of Major-General Scott.

“The undersigned has the honor to tender to Major-General Scott the assurance of his high respect and esteem.

“JOHN FAIRFIELD.”

“We learn that General Scott has interchanged the acceptances of the governor and lieutenant-governor, and also that Governor Fairfield immediately issued orders recalling the troops of Maine, and for organizing the civil posse that is to be continued, for the time, in *the disputed territory*. The troops in this town will also be immediately discharged.”

These were the official communications; but Sir John Harvey did not leave it at all in doubt as to whom he relied upon and looked to as the preserver of peace, even if these documents did not disclose that fact. In a letter of even date with the above-written acquiescence, (March 23d,) General Harvey<sup>1</sup> wrote to General Scott thus—

“MY DEAR GENERAL SCOTT—

“Upon my return from closing the session of the Provincial Legislature, I was gratified by the receipt of your very satisfactory communication of the 21st instant. My reliance upon *you*, my dear general, has led me to give my willing assent to the proposition which you have made yourself the very acceptable means of conveying to me; and I trust that as far as the province and the state respectively are concerned, an end will be put by it to all border disputes, and a way opened to an

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<sup>1</sup> 56th volume of Niles's Register contains the correspondence.

amicable adjustment of the national question involved.<sup>1</sup> I shall hope to receive the confirmation of this arrangement on the part of the State of Maine at as early a period as may be practicable."

The people of the United States, like Sir John Harvey, looked upon Scott as the PACIFICATOR, who had now made himself as much the friend of peace, as he once had been distinguished as the warrior of battles.

It was but a short time after this transaction, that another distinguished man, of singular ability and great influence, had the honor of terminating this vexed question, of fixing, so that it could no longer be mistaken, our northern boundary, from the foot of the Rocky Mountains, by the Lake of the Woods, and down the St. Lawrence, and through this disputed territory to the Atlantic. Met in the same peaceful spirit by the British minister, he was able to close these harassing difficulties, to quiet the disturbed minds of the people, and in this olive-branch, plucked from the midst of agitated waters, offer to the nations another evidence that a kindlier and better spirit had begun to govern human affairs. He had already been the strongest actor in forensic combats, the noblest orator of senate halls ; and the ASHBURTON TREATY, negotiated on the part of the United States by Daniel Webster, received the speedy confirmation of the Senate.<sup>2</sup>

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<sup>1</sup> I cannot imagine a more delightful recollection than that of either of these distinguished friends, that he had contributed so much to this "amicable adjustment" of so vexed and dangerous a question, between two great nations.

<sup>2</sup> This treaty was called the "Ashburton Treaty," merely as a name. It might as well have been called the Webster Treaty

## CHAPTER XXI.

1839 TO 1845.

Scott presented for the Presidency in 1839.—Whig Convention of 1839.—Scott's Vote.—Scott is made Commander of the Army.—His Letter in answer to Queries.—His Letter to the Dayton Committee in 1842.—His Letter on Slavery in 1843.—His Letters on the question of Peace and War.—Biography defined.—This a Work of History.—Growth and Prospects of the American Nation.

A LIFE devoted to the public service, and made splendid by successful achievements, whether civil or military, cannot be without its effect on the public mind of a nation. Envy may place its results among the accidents of fortune, or jealousy attribute it to the favor of friends, or calumny assert that it is overrated, and the reality does not sustain the appearance. But it is not so that the common sense of mankind makes up its judgment. It believes that services rendered to the public deserve consideration; that when well performed they are meritorious; and that when to these conditions there is added an unusual success and a shining career, there is something in all this worthy to receive the applause of men and the highest rewards of public life. Whatever envy, or jealousy, or calumny, may affirm, the masses of men will ever believe, that there are no effects without causes, and few appearances not sustained by the reality. Had they not so believed, Washington might have remained forever a surveyor, Franklin a printer, and Roger Sher-

man never have been numbered among the most sagacious statesmen of the Revolution. The millions who make up the body of the people never seek for defects in a public character with the eye of a critic, nor calumniate their acts with the malice of a rival. Public men are the property of their country. The success of their achievements is the success of the country. The glory they have won is a common heritage. It is not, therefore, strange, that when Scott had added to the fame of a warrior the glory of a peacemaker ; that when he had sought by acts of charity and kindness towards the Cherokees, to efface some little of that hard fate by which they had been driven from their homes ; that when he had exhibited his abilities as a writer ; when, in fact, repeated success had crowned repeated labors ; it is not strange that the people should have looked upon him as one of those from whom they might select a President in cabinets not less than a general among soldiers. Nor was this feeling diminished by the fact that the venerated Constitution of our country had made the President the commander of the army, not less than the chief magistrate among citizens—one who was to bear the sword not less than the mace.

Accordingly, in 1839, Scott was looked upon as one of those who probably would, or might be, presented as a candidate for the presidency. Not deprived by offices or public service, of the right possessed by every citizen to his own political opinions, and his own views of public policy, he had nevertheless never volunteered himself as a partisan. He had not mingled in public discussions, and had served as much for those who differed from, as for those who agreed with him in opinion. Parties had

been organized under other leaders. He meddled not with these organizations. Hence he was made a candidate by the spontaneous action of the people. They who took part in his favor were patriotic citizens, who remembered his services in peace not less than those in war.

Fully informed on all the great questions which had divided parties, and feeling in them the warm interest of a patriotic citizen, that interest had been frequently expressed, and it was well known that his opinions harmonized with the principles and policy of the Whigs. When presented by his friends as one of the candidates of the Whig Convention of 1839, it was, however, not so much by his consent as by his sufferance. He believed Mr. CLAY the proper Whig candidate and leader, and after him, GENERAL HARRISON. He therefore addressed no less than five letters to as many members of the Convention, (all to be shown,) urging that, if there appeared any prospect of success before the people, Mr. Clay might be selected, and if not, General Harrison. He further added, that he wished himself not to be thought of as a candidate, if the nomination of either of the others promised success.

The Convention met on the 4th of December, 1839, at Harrisburgh, Pennsylvania, and must be admitted by all who are acquainted with its members to have been one of the ablest and most important political bodies ever assembled in this country.<sup>1</sup>

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<sup>1</sup> On the ballot preceding the last, Scott received the votes of New York, 42; New Jersey, 6; Connecticut, 6; Vermont, 5; Michigan, 3; making in all 62. The total number of votes given was 254.

The result of the nomination, and the political events which immediately followed, are well known to all the people of the United States.

General Harrison received the nomination. The friends of General Scott as well as those of Mr. Clay were among the foremost and ablest of those who yielded to that nomination their hearty concurrence, and gave to its support their best political services. In an election which called forth nearly every voter in the Union, General Harrison was chosen by a popular majority as unprecedented as it was remarkable in the strength and fervor of the popular feeling with which it was accompanied. The five states which had originally voted for General Scott in the Convention, gave their entire vote, by great majorities, to General Harrison.

The President elect was inaugurated, but had scarcely more than chosen his cabinet and entered on the duties of his office, when Death, the conqueror of conquerors, laid him beyond the means of action or the reach of applause. The traveller who now descends the Ohio, and looks upon the green turf which covers his buried remains, will be reminded at once of the brevity of life, the instability of prosperity, and the uncertain tenure of political power!

A few months after this event, in consequence of the death of Major-General Macomb, which occurred June 25th, 1841, General Scott was called to the command of the entire army. This duty, in ordinary times, requires his presence three-fourths of the year at the seat of government. A part of each year is spent in the duties of inspection, visiting the remote military posts, and acquainting himself personally with the wants and discipline

of the army. It is thus that, in peace as in war, his duties call him to all parts of the Union, make him acquainted with large masses of the people, and with the various districts and interests of the country. The summer residence of his family is at Elizabethtown, New Jersey, where, and in the city of New York, he resided for the greater part of the time from 1817 to 1840; and where yet are centred those pleasing associations which encircle the expressive word—HOME.

In less than a year after the death of General Harrison, many of the Whigs, as well as members of other parties,<sup>1</sup> began to look around for a candidate at the election of 1844. Among those who might be selected, General Scott stood prominent, as he had done in 1839. There were many citizens, eminent for public service, for great abilities, and enlightened patriotism, any one of whom might with great propriety have been chosen as a candidate for the highest honors of the republic. But practically the choice was confined to but very few. General Scott was one of these, and as there was no small share of popular feeling in his favor, there were very many letters addressed to him, as there are to all who are supposed to be within the least probability of choice, as to what his opinions were on various subjects. He found it inconvenient, if not impossible, to answer these; and hence adopted the form of a circular, as the best mode of reply to these various interrogatories. The circular embodied the opinions of General Scott long entertained and frequently expressed.

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<sup>1</sup> Among those who first proposed General Scott for the presidency, were many of the original friends of General Jackson. Indeed, men of all parties were more or less his friends in 1839.

It has been so widely published, and the opinions are so generally known, that we extract only what relates to the Supreme Court of the United States.

“ *The Judiciary.* From an early and long-continued study of elementary law, my mind has ever been imbued with deep reverence for the bench, state and federal, an independent department in our systems of government, and which, holding neither the purse to corrupt, nor the sword of power to terrify, addresses itself only with the mild force of persuasive reason to the intelligence and virtue of the whole community. By the federal constitution every possible safeguard is provided to shield its judiciary against fleeting prejudice, political rancor, and party dependence, to which legislators and the executive are unavoidably, directly, and constantly exposed. Hence, to the ‘one supreme court’ is wisely extended (by ‘appellate jurisdiction’) ‘all cases in law and equity arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.’

“ Looking to this express provision, I have always held, that when a doubtful question, arising under either the constitution itself, the supreme law of the land ; under an act of Congress, or a treaty has once been solemnly adjudicated, by that court, the *principle* of the decision ought to be taken by all, as definitively settled, unless, indeed, it be upon a rehearing before the same tribunal. This appears to me too clear for disputation ; for the court is not only declared to be *supreme*, and hence there can be no bench beyond ; but to Congress is only given the power to constitute ‘*inferior*’ tribunals. By appeals to the Supreme Court a *settlement* was intended to be reached, and anarchy, through a long distraction of the

public mind, on great questions of legislative and executive power, thus rendered impossible. Practically, therefore, for the people, and especially their functionaries, to deny, to disturb, or impugn principles thus constitutionally established, strikes me as of evil example, if not of a direct revolutionary tendency, except, indeed, in the case of a judicial decision enlarging power and against liberty ; and any dangerous error of this sort can always be easily corrected (and should only be corrected) by an amendment of the constitution, in one of the modes prescribed by that instrument itself, the organic law of the states *and* the people. Misconstructions of law, other than the constitution, are yet more readily corrected by amendatory or declaratory acts of Congress."

This letter was looked upon by some as rather too frank ; but it should be remembered that frankness in a republican country is a virtue. A cautious silence, or a reply in double meanings, may be prudence, but it is the prudence of a courtier, rather than the honesty of a patriot. Whoever replies to questions of his political life and opinions, must speak personally ; and whoever replies to them honestly, must speak frankly. In an hour of the deepest political darkness to his political friends, Scott hesitated not to answer openly and fairly the questions proposed to him on long-agitated subjects of public policy.

In the summer of 1842 he was nominated by a full state convention in Pennsylvania, and was supported by numerous friends elsewhere.

Notwithstanding this, however, he wrote the following letter to a committee in Dayton, Ohio, which was intended, and was so understood, to withdraw his name from the field of selection, in deference to the superior claims of Mr. Clay.

From the Dayton (Ohio) Journal.

"The press of other matter from the 29th to the day of election prevented the publication of the letters received from many distinguished Whigs in reply to the invitations given them to attend the barbecue. After the election they were considered rather *out of season*. Among the number, however, is one from General Scott, which is of general interest, and it is here given :

" " Detroit, September 22, 1842.

" " Gentlemen—

" " Your letter of the 7th instant, addressed to me at Washington, has followed me to this distant region.

" " With your invitation requesting my presence at the entertainment about to be given by the Whigs of Ohio to the Whigs of Kentucky, who in 1840 so magnanimously postponed their first choice for the Presidency, I am highly honored ; and, if it were compatible with my position as a Federal officer, I should certainly be in the midst of you on the interesting occasion.

" " With one candidate for the Presidency, and the best interests of the country at heart, it ought not to be doubted that the Whigs, appealing to the virtue and intelligence of the people, will be as successful in 1844 as they were in 1840. Whether that one candidate be, as all indications seem to determine, Kentucky's illustrious son, or any of hundreds of his followers, my prayers for a Whig triumph shall be ardent and unceasing.

" " I have the honor to remain, gentlemen, with high consideration, your friend and fellow-citizen,

" " WINFIELD SCOTT.

" " Messrs. J. H. Crane, S. Forrer, H. G. Phillips, R. Green, D. A. Haynes, and Charles Anderson, Corresponding Committee, Dayton, O."

Among the subjects of political and social interest in the United States, few have been more discussed, or with more various and opposite opinions, than that of domestic slavery. The complex nature of an association of states, each of which held certain political rights exclusively its own, and yet all of which were bound by a common national constitution, a part of which also held slaves and a part of which none, made the subject more difficult to handle properly, and the problem presented to political philosophy, by the existent fact of acknowledged slave property, more difficult of solution. The civil rights which law concedes and guaranties must be maintained; while, on the other hand, in our country and our age, full scope must be given to the utterance of opinions, the progress of legislation, and the development of a Christian civilization.

General Scott owned no slaves, but he was educated in a community where slavery existed, and where intelligent men were familiar with all the practical bearings of this profound and difficult subject. A gentleman of Virginia addressed him a letter of inquiry, to which he replied in the following expression of his opinions :

*General Scott's Letter on the Subject of Slavery.*

“ Washington, February 9, 1843.

“ Dear Sir—

I have been waiting for an evening’s leisure to answer your letter before me, and, after an unreasonable delay, am at last obliged to reply in the midst of official occupations.

“ That I ever have been named in connection with the

Presidency of the United States, has not, I can assure *you*, the son of an ancient neighbor and friend, been by any contrivance or desire of mine; and certainly I shall never be in the field for that high office unless placed there *by a regular nomination*. Not, then, being a candidate, and seeing no near prospect of being *made* one, I ought, perhaps, to decline troubling you or others with my humble opinions on great principles of state rights and federal administration; but as I cannot plead ignorance of the partiality of a few friends, in several parts of the Union, who may, by possibility, in a certain event, succeed in bringing me within the field from which a Whig candidate is to be selected, I prefer to err on the side of frankness and candor, rather than, by silence, to allow any stranger unwittingly to commit himself to my support.

"Your inquiries open the whole question of domestic slavery, which has, in different forms, for a number of years, agitated Congress and the country.

"Premising that you are the first person who has interrogated me on the subject, I give you the basis of what *would* be my reply in greater detail, if time allowed and the contingency alluded to above were less remote.

"In boyhood, at William and Mary College, and in common with most, if not all, my companions, I became deeply impressed with the views given by Mr. Jefferson, in his 'Notes on Virginia,' and by Judge Tucker, in the Appendix to his edition of Blackstone's Commentaries, in favor of a gradual emancipation of slaves. That Appendix I have not seen in thirty odd years, and, in the same period, have read scarcely any thing on the subject; but my early impressions are fresh and unchanged. Hence,

If I had had the honor of a seat in the Virginia Legislature in the winter of 1831-2, when a bill was brought forward to carry out those views, I should certainly have given it my hearty support.

"I suppose I scarcely need say that, in my opinion, Congress has no color of authority, under the Constitution, for touching the relation of master and slave within a state.

"I hold the opposite opinion in respect to the District of Columbia. Here, with the consent of the owners, or on the payment of 'just compensation,' Congress may legislate at its discretion. But my conviction is equally strong that, unless it be step by step with the Legislatures of Virginia and Maryland, it would be dangerous to both races in those states to touch the relation between master and slave in this District.

"I have from the first been of opinion that Congress was bound by the Constitution to receive, to refer, and to report upon petitions relating to domestic slavery as in the case of all other petitions; but I have not failed to see and to regret the unavoidable irritation which the former have produced in the Southern States, with the consequent peril to the two colors, whereby the adoption of any plan of emancipation has everywhere among us been greatly retarded.

"I own, myself, no slave; but never have attached blame to masters for not liberating their slaves—well knowing that liberation, without the means of sending them in comfort to some position favorable to 'the pursuit of happiness,' would, in most cases, be highly injurious to all around, as well as to the manumitted families themselves—unless the operation were general and under

the auspices of prudent legislation. But I am persuaded that it is a high moral obligation of masters and slaveholding states to employ all means, not incompatible with the safety of both colors, to meliorate slavery even to extermination.

"It is gratifying to know that general melioration has been great, and is still progressive, notwithstanding the disturbing causes alluded to above. The more direct process of emancipation may, no doubt, be earlier commenced and quickened in some communities than in others. Each, I do not question, has the right to judge for itself, both as to time and means, and I consider interference or aid from without, except on invitation from authority within, to be as hurtful to the sure progress of melioration, as it may be fatal to the lives of vast multitudes of all ages, sexes, and colors. The work of liberation cannot be *forced* without such horrid results. Christian philanthropy is ever mild and considerate. Hence all violence ought to be deprecated by the friends of religion and humanity. Their persuasions cannot fail at the right time to free the master from the slave, and the slave from the master; perhaps before the latter shall have found out and acknowledged that the relation between the parties had long been mutually prejudicial to their worldly interests.

"There is no evil without, in the order of Providence, some compensating benefit. The bleeding African was torn from his savage home by his ferocious neighbors, sold into slavery, and cast upon this continent. Here, in the mild South, the race has wonderfully multiplied, compared with any thing ever known in barbarous life. The descendants of a few thousands have become many mil-

lions; and all, from the first, made acquainted with the arts of civilization, and, above all, brought under the light of the Gospel.

“ From the promise made to Abraham, some two thousand years had elapsed before the advent of our Saviour, and the Israelites, the chosen people of God, were, for wise purposes, suffered to remain in bondage longer than Africans have been on our shore. This race has already experienced the resulting compensations alluded to; and, as the white missionary has never been able to penetrate the dark regions of Africa, or to establish himself in its interior, it may be within the scheme of Providence that the great work of spreading the Gospel over that vast continent, with all the arts and comforts of civilization, is to be finally accomplished by the black man restored from American bondage. A foothold there has already been gained for him, and in such a scheme centuries are but as seconds to Him who moves worlds as man moves a finger.

“ I do but *suggest* the remedies and consolations of slavery, to inspire patience, hope, and charity on all sides. The mighty subject calls for the exercise of all man’s wisdom and virtue, and these may not suffice without aid from a higher source.

“ It is in the foregoing manner, my dear sir, that I have long been in the habit, in conversation, of expressing myself, all over our common country, on the question of negro slavery, and I must say that I have found but very few persons to differ with me, however opposite their geographical positions.

“ Such are the views or opinions which you seek. I cannot suppress or mutilate them, although now liable to

be more generally known. Do with them what you please. I neither court nor shun publicity.

"I remain, very truly, yours,

"WINFIELD SCOTT.

"T. P. Atkinson, Esq., Danville, Virginia."

For many years a numerous body of religious and philanthropic individuals in the United States have believed and inculcated, that peace was the best condition of human society, and that wars were injurious and ought to be discouraged. The Society of Friends were foremost in this, as they have been in several other noble and excellent principles and practices. Many members of other religious societies adopted the same ideas, and have been consistent and firm in their endeavors to impress them on the public mind.

General Scott, though a soldier by profession, and certainly one of no little renown, had nevertheless, at three several and remarkable epochs, been not only the friend of peace, but had exerted himself successfully in preserving it.

About a year since, the secretary of the General Peace Society addressed to General Scott a letter on the same subject, of his answer to which the following is a copy—

"Washington, March 24th, 1845.

"I have received your letter of the 21st instant, accompanied by certain Proceedings of the General Peace Convention.

"My participation in war, as well as endeavors on several occasions to preserve peace, without sacrificing the

honor and the interests of my country, are matters of public history. These antecedents, together with my sentiments on the abstract question of *peace and war*, inserted a year ago in a Peace Album, and since published, I learn, in several journals, might be offered as a sufficient reply to your communication.

“I have always maintained the moral right to wage a just and necessary war, and, consequently, the wisdom and humanity, as applicable to the United States, in the present state of the world, of *defensive* preparations. If the principal nations of the earth liable to come in conflict with us in our natural growth and just pursuits, can be induced to disarm, I should be happy to see the United States follow the example. But without a general agreement to that effect, and a strong probability that it would be carried out in good faith by others, I am wholly opposed to giving up *home preparation*, and the natural and Christian right of *self-defence*.

“The published sentiments alluded to may not have fallen under your observation. I enclose a copy.

“I remain respectfully,

“Your most obedient servant,

“WINFIELD SCOTT.

“J. C. Beckwith, Esq., Corresponding Secretary.”

[Written in a Peace Album.]

### “*Peace and War.*

“If war be the natural state of savage tribes, peace is the first want of every civilized community. War no doubt is, under any circumstances, a great calamity; yet

submission to outrage would often be a greater calamity. Of the two parties to any war, one, at least, must be in the wrong—not unfrequently both. An error in such an issue is, on the part of chief magistrates, ministers of state, and legislators having a voice in the question, a crime of the greatest magnitude. The slaying of an individual by an individual is, in comparative guilt, but a drop of blood. Hence the highest moral obligation to treat national differences with temper, justice, and fairness; always to see that the cause of war is not only *just* but *sufficient*; to be sure that we do not *covet* our neighbor's lands, ‘nor any thing that is his;’ that we are as ready to give as to demand explanation, apology, indemnity; in short, we should especially remember, ‘all things whatsoever ye would that men should do to you, do ye even so to them.’ This divine precept is of universal obligation: it is as applicable to rulers, in their transactions with other nations, as to private individuals in their daily intercourse with each other. Power is intrusted by ‘the Author of peace and lover of concord,’ to do good and to avoid evil. Such, clearly, is the revealed will of God.

“WINFIELD SCOTT.

“Washington, April 26, 1844.”

In the letters recorded above, are General Scott's opinions on some of the most important political and social topics agitated within a few years in our country. They are expressed, as they were entertained by him, at the time they were published. They were uttered frankly, with the straightforwardness of one unacquainted with the arts

of dissimulation. They were thrown open to the objection of opponents and the censure of critics. If errors were found, it should be remembered that they were not errors promulgated for private advantage, nor sought to be imposed upon the people by the tricks of a tradesman in politics.

Upon these and all other measures of policy, a public man has a right, not merely to utter what are now his opinions, but to modify them as time advances. This is one of the *liberties* of an American statesman. It actually occurs in the mind of every man in America who has been long in public life. Jefferson, Madison, Clay, and numerous others of less note, have been obliged to review their opinions of men and measures, and correct them by the lights of experience and reflection.

Neither nations nor individuals stand still, and as he will never be deemed a wise man who refuses to adapt his measures to his circumstances, so neither can he be deemed a wise statesman who does not admit the possibility of a change of measures. In reference, therefore, to any or all the opinions of American statesmen, on public policy, not inconsistent with the elementary principles of the government, a wise discretion requires the possibility of modifications. A life of public service, an unswerving fidelity to all the trusts of man and country, an integrity of character beyond any just reproach, a disinterestedness which has acquired no fortune from the public treasury and made no merchandise of the public offices, are of higher value, in the estimation of honest freemen, than vague opinions extorted from ambition by the demands of party.

BIOGRAPHY we have already defined to be a leaf from

history. The history itself is known by these leaves, just as the naturalist knows the forest-tree by the foliage it bears. And, when he would describe it, he must do it with precision. He must give it just proportions, shade it in true colors, and define the qualities it possesses. If he does not thus accurately describe it, the tree itself can no longer be distinguished from others. Even the forest becomes undistinguishable in its several parts ; but is seen like the blue sides of distant mountains, as something rising up before the eyes in a gray mist, with its various parts mingled into a common mass, and its various colors blended into a common hue.

Such is history. The state is composed of individual persons. The acts of the state are the acts of these individuals, and when they shall cease to be truly described, the state will cease to have a true history. The facts of society will be delineated only as the fictions of fancy, and the realms of truth fade into the regions of romance.

WINFIELD SCOTT is one of those individuals whose acts have made the acts of the American state. His biography is a leaf from the history of that state. As such we have written it. As such we have delineated it with the pen of truth, nor have added one dash from the pencil of flattery. We have written nothing which is false, exaggerated nothing which is true, and omitted nothing which, being given, would change the color of the record. We have described no hero of the imagination, and robed no hero of reality with garments which do not belong to him. We have simply and only told the story of a public life, as it stands on the public records, naked of that flimsy but often beautiful dress which is woven by the art

of language to distort the simplicity of truth. Whatever of the admirable in action, or the faithful in principle, may be included within it, belongs not to us but to history.

In all the scenes of his life General Scott has been consistent with duty and himself—a warrior in war and a pacificator in peace. His qualifications for public service were various. Bred to the “science rather than the practice of the law,” he has ever been himself obedient to its stern requirements, and in his administration of it, has tempered justice with mercy. The elements of his character were integrity, justice, judgment, and firmness. These were adorned by the graces of an ardent and generous spirit, and sustained by an indomitable moral courage. The claims of the private soldier, and those of the officer highest in rank, have ever received from him the same patient attention; and as an evidence of the vigilance with which he has watched over the rights of all, and of his fixed purpose to protect the humblest individual of his command, we subjoin two orders, which are fair specimens of the ability, temper, and spirit, that have governed him in the administration of the affairs of the army.

When we think, in closing this brief passage of history, of what our country has done, and what it has become, in the short period here considered, we are filled with wonder, and ask where are the limits of its growth and its power? Occupying a land capable of containing double all the nations of Europe; multiplying with such amazing rapidity that it increased four-fold in fifty years; governed by such elastic institutions that it is uncompressed in any direction; possessing the elements of all the arts and sciences; blooming with the foliage of a soil fertile beyond estimate; and possessing the mild and beautiful

religion and morals of Christianity—what will arrest the progress of the American nation? What can arrest it, but some infatuation of folly, by which, blind to experience, or forgetful of its responsibility to God's authority, it shall turn from the paths of wisdom, or reject the teachings of Divine instruction? Then, indeed, when the nation shall say, with Nebuchadnezzar, "Is not this the great Babylon, that I have built for the house of the kingdom, by the might of my power, and for the honor of my majesty?" a voice may declare, as it did to Egypt, to Babylon, and to Rome, "The kingdom is departed." While, however, this nation shall remain a people sensible to the teachings of history, and sensible to the obligations of true religion, who shall set limits to its progress? While events are written they are past. When prophecy is spoken, it is fulfilled. Growth is in every thing. The hand of transition is upon every thing. Scene after scene rises before us, like dissolving pictures, now approaching, and now fading from us. We look, and in vain search for limits to this amazing growth. With wearied eye we turn to the advancing generations of posterity, as they who alone can disclose and understand these wonders of destiny.

**THE END.**

## GENERAL SCOTT'S ORDERS.

Adjutant-General's Office, Eastern Department, }  
Governor's Island, September 2, 1822. }

CONFIDENTIAL }  
ORDER. }

THE major-general commanding cannot approve, for reasons given below, of the proceedings and finding of the general court-martial, of which Captain Heileman is president, in the case of Lieutenant H—, and requests the court to reconsider the same, at least so far as respects the finding.

In the case of Moore, the court find, that "he, Lieutenant H—, received insolence, which deserved chastisement in a civil or military community." This is not disputed, but the law of the land had provided a tribunal *other* than the officer who was the subject of the insolence, for the trial and punishment of the offence. See the 6th and 24th articles of war, and also the imperious injunction, "*that punishment shall be strictly conformable to martial law,*" (*General Regulations*, art. ii. part 1.) There is no evidence that the blows were *necessary* to prevent the *escape* of the man; that is, to secure his person for a trial by a court. On the contrary, Lieutenant H— seems to have imagined (and the court *justify* the usurpation) that he was invested with full power to punish the offence on the spot. Thus have the lieutenant and the court wholly disregarded the law and regulations on questions of this kind, as well as the recent orders from the head-quarters of this department, touching the cases of Lieutenant C. and G.

There is no evidence that any previous spirit of mutiny existed, to afford a pretext for extorting a confession, or for the punishment of that spirit before it had broken out into overt acts, as in the three other cases. It rather appears that the mutiny, which did in fact afterwards occur, was excited by the first illegal flogging. Evidence enough is recorded, to render this conclusion highly probable, although from the manner in which the prisoner was suffered to plead, the record is very barren as to many material circumstances. Thus the judge-advocate neither offered in evidence the prisoner's letter, transmitted from head-quarters, nor has he returned it with record.

"In the three latter instances (the flogging of Hibbard, M'Collister, and Goble) the court find, that *forcible, and exemplary, and immediate measures, were necessary to quell the spirit of insubordination then existing among the men, and for the good of the service.*" If the court mean by "forcible, and immediate, and exemplary measures," the flogging inflicted the next morning after the mutiny was in fact *quelled*, that is, after the three principals were lodged in the guard-house, (the night before,) and who safely remained there until taken out to be flogged without trial, the major-general commanding utterly disagrees with the court. As *punishments*, nothing could have been more illegal than those foggings, and as a *means of procuring confessions*, they were *inquisitorial*, and entirely at war with the institutions and feelings of the country.

*If, in the act of quelling the mutiny, Lieutenant H—— had found it necessary to cut down the mutineers, or even if death had been inflicted, there is no doubt that he would have been honorably acquitted by any tribunal, military or civil.*

The major-general commanding would have been content with some slight punishment in this case, considering Lieutenant H.'s high standing, up to the date of this transaction, but he does not see how the court can wholly acquit him, and at the same time sentence, *capitally*, the subject of illegal flogging.

The court will therefore revise its proceedings in this case.

By order of MAJOR-GENERAL SCOTT.

GENERAL ORDERS. }  
No. 53.      }

Head Quarters of the Army, }  
Washington, Aug. 20, 1842. }

1. Intimations, through many channels, received at General Head Quarters, lead to more than a suspicion that blows, kicks, cuffs, and lashes, against law, the good of the service, and the faith of government, have, in many instances, down to a late period, been inflicted on private soldiers of the army by their officers and non-commissioned officers.

2. It is due to the line generally, to add, that those intimations refer almost exclusively to the —— and —— regiments.

3. Inquiries into the reported abuses are in progress, with instructions, if probable evidence of guilt be found, to bring the offenders to trial.

4. It is well known to every vigilant officer, that discipline *can* be maintained (—and it *shall* be so maintained) *by legal means*. Other resorts are, in the end, always destructive of good order and subordination.

5. Insolence, disobedience, mutiny, are the usual provocations to unlawful violence. But these several offences are denounced by the 6th, 7th, and 9th of the rules and articles of war, and made punishable by the sentence of courts-martial. Instead, however, of waiting for such judgment, according to the nature and degree of guilt, deliberately found—the hasty and concited—losing all self-control and dignity of command—assume that their individual importance is more outraged than the majesty of law, and act, at once, as legislators, judges, and executioners. Such gross usurpation is not to be tolerated in any well-governed army.

6. For insolent words addressed to a superior, let the soldier be ordered into confinement. This, of itself, if followed by prompt repentance and apology, may often be found a sufficient punishment. If not, a court can readily authorize the final remedy. A deliberate, or unequivocal breach of orders, is treated with yet greater judicial rigor; and, in a clear case of mutiny, the sentence would, in all probability, extend to life. It is evident, then, that there is not even a pretext for punishments decreed on individual assumption, and at the dictate of pride and resentment.

7. But it may be said in the case of mutiny, or conduct tending to this great crime—that it is necessary to cut down, on the spot, the exciter or ringleader. *First*, order him to be seized. If his companions put him into irons or confinement, it is plain there is no spread of the dangerous example. But, should *they* hesitate; or should it be necessary in any case of disobedience, desertion, or running away—*the object being to secure the person for trial*; as always to repel a personal assault, or to stop an affray—in every one of these cases any superior may strike and wound; but only to the extent clearly necessary to such lawful end. Any excess, wantonly committed beyond such measured violence, would, itself, be punishable in the superior. No other case can possibly justify any superior in committing violence upon the body of any inferior, without the judgment of a court—except that it may sometimes be necessary by force to iron prisoners, for security, or to gag them, for quiet.

8. Harsh and abusive words, passionately or wantonly applied to unoffending inferiors, is but little less reprehensible. Such language is at once unjust, vulgar, and unmanly ; and, in this connection, it may be useful to recall a passage from the old *General Regulations for the Army*.

“ The general deportment of officers towards juniors or inferiors, will be carefully watched and regulated. If this be cold or harsh, on the one hand, or grossly familiar on the other, the harmony or discipline of the corps cannot be maintained. The examples are numerous and brilliant, in which the most conciliatory manners have been found perfectly compatible with the exercise of the strictest command ; and the officer who does not unite a high degree of moral vigor with the civility that springs from the heart, cannot too soon choose another profession in which imbecility would be less conspicuous, and harshness less wounding and oppressive.”

9. Government not only reposes “ special trust and confidence in the patriotism, valor, fidelity, and abilities of” army officers, as is expressed on the face of commissions ; but also in their self-control, respect for law, and gentlemanly conduct on all occasions. A failure under either of those heads ought always to be followed by the loss of a commission.

10. At a time when, notwithstanding the smallness of the establishment, thousands of the most promising youths are desirous of military commissions, the country has a right to demand—not merely the usual exact observance of laws, regulations, and orders, but yet more—that every officer shall give himself up entirely to the cultivation and practice of all the virtues and accomplishments which can elevate an honorable profession. There is in the army of the United States, neither room nor associates for the idle, the ignorant, the vicious, the disobedient. To the very few such, thinly scattered over the service—whether in the line or the staff—these admonitions are mainly addressed ; and let the vigilant eye of all commanders be fixed upon them. No bad or indifferent officer should receive from a senior any favor or indulgence whatsoever.

11. The attention of commanders of departments, regiments, companies, and garrisons, is directed to the 101st of the rules and articles of war, which requires that the whole series shall be read to the troops at least once in every six months.





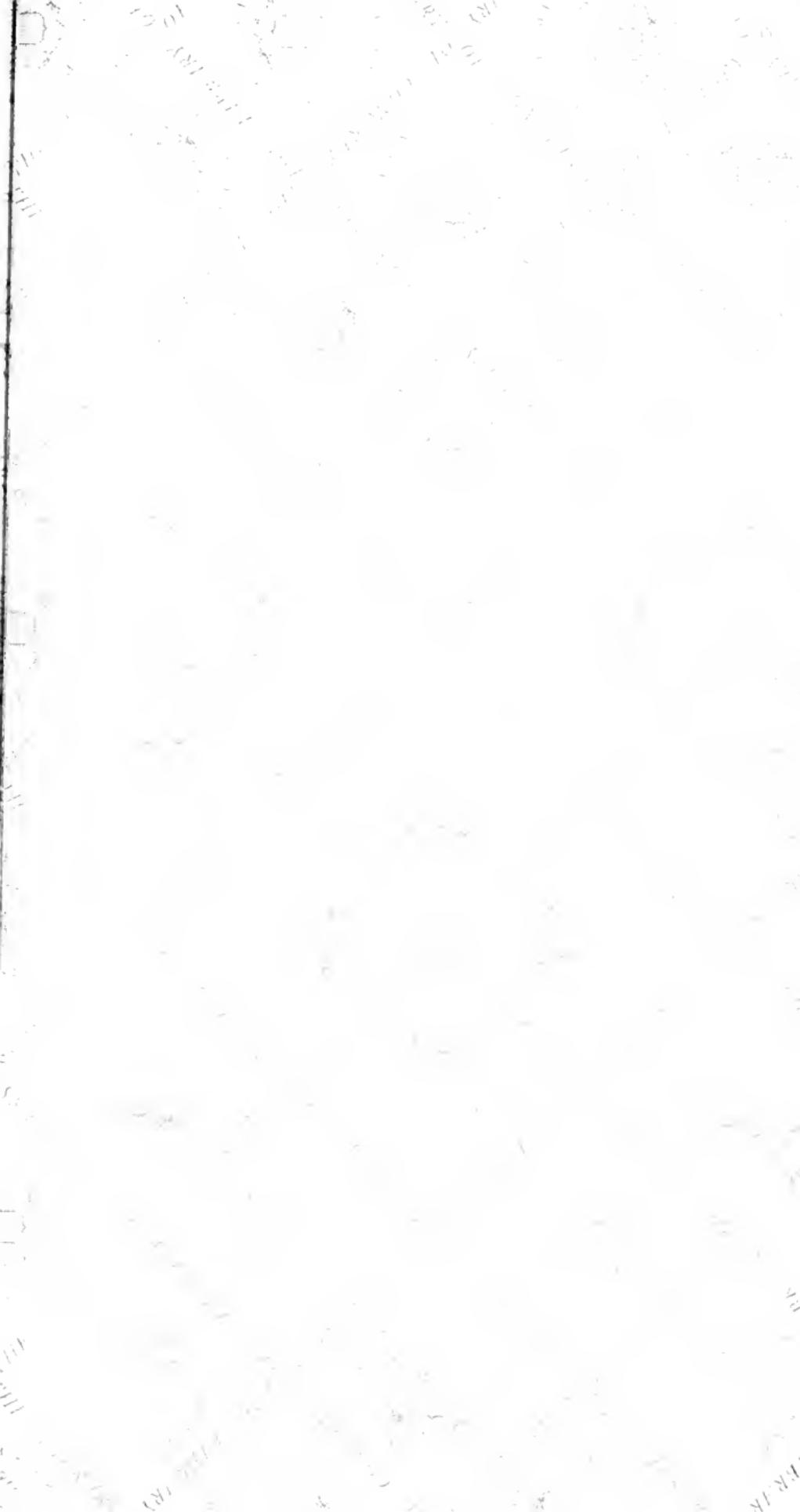


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